

In the
Appellate Court of Maryland



No. ACM-REG-1325-2024

September Term, 2024



JUSTIN KYLE HOLDER

Appellant,

v.

WASHINGTON COUNTY BOARD OF COUNTY COMMISSIONERS, ET AL.,

Appellees.

*Appeal from the Circuit Court for Washington County, Maryland
(Hon. Judge Richard E. Jordan)*

RECORD EXTRACT – VOLUME 5C

Jacob I. Weddle, Esq.
CPF NO. 0712120390
REMUS, WEDDLE & CAVENEY, LLC
18 WEST CHURCH STREET, SECOND FLOOR
FREDERICK, MARYLAND 21701
(301) 206-5770
jweddle@rwclawyers.com
Counsel for Plaintiff/Appellant

Record Extract
ACM-REG-1325-2024
Sept. Term 2024; No. 1325

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Jacob Weddle

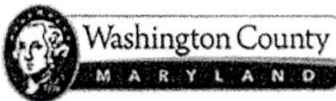
Subject: Public information request
Attachments: 10.15.20 Response to 8.3.20 PIA Request (renewed 10.14.20).pdf

From: **McCarty, Rachael** <rmccarty@washco-md.net>
Date: Thu, Oct 15, 2020 at 10:28 AM
Subject: RE: Public information request
To: Justin Holder <jholder2004@gmail.com>
Cc: Bright, Andrew <abright@washco-md.net>, Downey, Kirk <kdowney@washco-md.net>

Mr. Holder,

Please see the attached in response to your PIA request below.

Thank you,



Rachael McCarty

Legal Secretary

Office of the County Attorney

Washington County Administration Complex

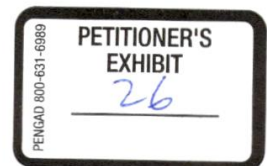
100 West Washington Street, Suite 1101

Hagerstown, MD 21740

P: (240) 313-2233 | F: 240-313-2231

www.washco-md.net

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From: Bright, Andrew <abright@washco-md.net>
Sent: Wednesday, October 14, 2020 2:17 PM
To: McCarty, Rachael <rmccarty@washco-md.net>
Subject: Fw: Public information request

From: Justin Holder <jholder2004@gmail.com>
Sent: Wednesday, October 14, 2020 1:49 PM
To: Bright, Andrew <abright@washco-md.net>; Downey, Kirk <kdowney@washco-md.net>
Subject: Re: Public information request

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Mr. Bright,

The case has been dismissed from district court against Christine Morral as of 9am today per case search. Adam Greivell by email which I will gladly forward if you do not take my word, has confirmed with Doug Mullendore that I have no investigation open against myself.

Please fulfill my August 3rd PIA referenced in email body.

Thank you,

Justin Holder

On Mon, Aug 3, 2020, 2:32 PM Justin Holder <jholder2004@gmail.com> wrote:

To whom it may concern:

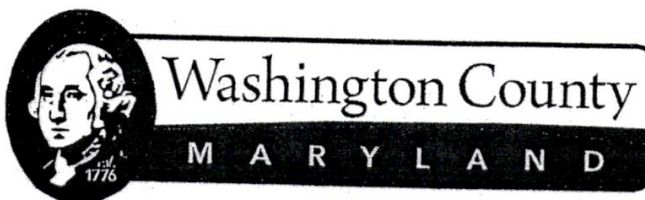
Please provide all email correspondance from the following email address "Morrall7@msn.com"and any sheriff, deputy, county official from May 19th to present.

Please provide time and cost in 10 days

Thank you,

Justin Holder

Kirk C. Downey
County Attorney



Kendall A. McPeak
Deputy County Attorney

B. Andrew Bright
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

October 15, 2020

Re: Public Information Act Request
dated 8/3/2020 (renewed 10/14/2020)

jholder2004@gmail.com
Justin Holder
25 Antietam Drive
Keedysville, MD 21756

Dear Mr. Holder:

Our office is in receipt of your email dated October 14, 2020, renewing your August 3, 2020 email, requesting records pursuant to the Maryland Public Information Act, MD. Code, Gen'l Prov. Art. §§4-101 et seq. ("PIA"). Your request and correlating response from our office are set forth below.

Inquiry: "Please provide all email correspondence from the following email address "Morrall7@msn.com" and any sheriff, deputy, county official from May 19th to present."

Response: Your request is denied. Pursuant to Gen'l Prov. Art. § 4-351, a custodian may deny inspection, by a person in interest, of records of investigations conducted by a State's Attorney. The State's Attorney's Office has advised that the records you have requested are, in fact, records of a still ongoing investigation and involve current prosecution. Therefore, I must deny your request.

As your request was denied, you are, pursuant to § 4-362, entitled to seek judicial review of this decision. You may also refer any concerns about this decision to the Public Access Ombudsman per § 4-1B-01 et seq.

Sincerely,

B. Andrew Bright
Assistant County Attorney

100 West Washington Street, Suite 1101 | Hagerstown, MD 21740 | P: 240.313.2230 | F: 240.313.2231 | TDD: 711

WWW.WASHCO-MD.NET

JUSTIN KYLE HOLDER	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BOARD OF COUNTY COMM'RS	*	WASHINGTON COUNTY
WASHINGTON COUNTY, et al.	*	Case No.: C-21-CV-21-000097
Defendants		

* * * * *

ANSWERS TO INTERROGATORIES

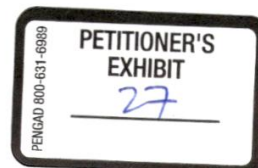
TO: JUSTIN KYLE HOLDER, Plaintiff

BY: BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY,
KIRK DOWNEY and B. ANDREW BRIGHT, Defendants

BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY,
KIRK DOWNEY and B. ANDREW BRIGHT, Defendants, by KARPINSKI,
CORNBROOKS & KARP, P.A. and KEVIN KARPINSKI, their attorneys, answering
Plaintiff's Interrogatories state:

One of the Defendants in this case is a corporation and the person answering has relied upon the investigation and recollection of a number of other employees as well as the advice of counsel and the recommendations of counsel. Not all of these Answers are prepared from the personal knowledge of the answering employee nor any other single individual.

These Answers are prepared by counsel for the Defendant and the phraseology of the Answers is that of counsel. Since not all of the information requested by these Interrogatories is directed to the personal knowledge of the Defendants, the Answers are not limited to such personal knowledge.



1. Identify each person, other than a person intended to be called as an expert witness at trial, having discoverable information that tends to support a position that you have taken or intend to take in this action, including any claim for damages and state the subject matter of the information possessed by that person. (Standard General Interrogatory No. 1).

ANSWER:

(1) The parties to the present action, who are generally knowledgeable of the facts and circumstances underlying the instant litigation; and

(2) Joseph Michael, the former Deputy State's Attorney for Washington County, who is generally knowledgeable of the denial of Plaintiff's request, as well as the criminal investigation that was pending at the time of Plaintiff's request.

2. Identify each person whom you expect to call as an expert witness at trial, state the subject matter on which the expert is expected to testify, state the substance of the findings and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and, with respect to an expert whose findings and opinions were acquired in anticipation of litigation or for trial, summarize the qualifications of the expert, state the terms of the expert's compensation and attach to your answers any available list of publications written by the expert and any written report made by the expert concerning the expert's findings and opinions. (Standard General Interrogatory No. 2).

ANSWER: Defendants have not yet determined which experts, if any, they

intend to use at trial in this matter. That being said, Defendants agree to supplement this answer in accordance with the Court's scheduling order.

3. If you intend to rely upon any documents, electronically stored information or tangible things to support a position that you have taken or intend to take in the action, including any claim for damages, provide a brief description, by category and location, of all such documents, electronically stored information and tangible things and identify all persons having possession, custody or control of them. (Standard General Interrogatory No. 3).

ANSWER: Defendants intend to rely on the records produced to Plaintiff on August 31, 2021, which is a compilation of emails produced by Washington County in response to a PIA request made by Plaintiff. Those records are electronically stored and held by Washington County. Defendants may also rely on any documents produced throughout discovery and Defendants agree to supplement their answer to this Interrogatory in the event supplementation becomes necessary.

4. If any person carrying on an insurance business might be liable to satisfy part or all of a judgment that might be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment, identify that person, state the applicable policy limits of any insurance agreement under which the person might be liable and describe any question or challenge raised by the person relating to coverage for this action. (Standard General Interrogatory No. 5.)

ANSWER: The Phoenix Insurance Company (Travelers), policy number

ZLP-14S14014. Said policy provides coverage of \$2,000,000.00 per claim and \$2,000,000.00 in the aggregate. No challenges have been made to said coverage.

5. Summarize the qualifications of any person expected to be called as an expert witness at trial and whose findings and opinions were acquired or obtained in anticipation of litigation or for trial; produce any available list of publications written by that expert; and state the terms of the expert's compensation. (Rule 2-402(g)(l)(B)).

ANSWER: See Answer to Interrogatory No. 2.

6. If you contend that the denial(s) of Mr. Holder's request was/were proper, namely, that disclosure of the records responsive to Mr. Holder's requests would interfere with a valid and proper law enforcement proceeding, state the facts upon which your contention is based and identify all persons having personal knowledge of these facts.

ANSWER: Yes, it was proper. The denial was based on the representation of Joseph Michael, the then Deputy State's Attorney for Washington County, who informed the Defendants that the emails responsive to Plaintiff's request pertained to an open investigation conducted by Washington County State's Attorney's Office and—at the time—criminal proceedings against Plaintiff relating to those records were pending. Joseph Michael has personal knowledge of these facts. B. Andrew Bright and Kirk Downey have personal knowledge of the communications received from Joseph Michael.

7. Identify your activities, communications and investigations between the time of submission of each of Plaintiffs public information requests in this

case and the time of the denial of that request as they relate to the subject matter of this case.

ANSWER: See Answers to Interrogatories No. 6 and 8. Because the Washington County State's Attorneys' Office is a State entity, distinct from the County, the County was required to rely upon the representations of Joseph Michael.

8. Identify all communications made by any Defendant or any of its employees, members or agents, related to the subject matter of this case. Such description should include but is not limited to the date, time, type of communication (*e.g.*, phone call, memo, letter, etc.), parties to the communication and all information in business records or elsewhere, of the substance of the communication.

ANSWER: Objection to this interrogatory to the extent that it seeks communications protected by the attorney/client privilege and/or work product doctrine. Without waving said objection, the non-privileged communications are as follows:

(1) August 4, 2020 email from B. Andrew Bright to Joseph Michael, inquiring as to whether the responsive emails are records of an ongoing investigation;

(2) August 4, 2020 email from Joseph Michael to B. Andrew Bright, indicating that the records pertain to an ongoing investigation.

(3) October 14, 2020 email from B. Andrew Bright to Joseph Michael indicating that Plaintiff had renewed his request and inquiring as to the status

of the associated investigation.

(4) October 14, 2020 email from Joseph Michael to B. Andrew Bright informing him that Plaintiff was under pending criminal investigations, to which the communications relate.

Any communications sent to or by Plaintiff are not included in the list above, because Plaintiff has access to those communications. Additionally, there exist communications between undersigned counsel and Defendants relating to the instant litigation, which are subject to the attorney-client privilege.

9. Identify all communications made by any third-parties (*e.g.*, Joseph Michael) and/or each's employees and/or agents related to the subject matter of this case that you are aware of. Such description should include but is not limited to the date, time, type of communication (*e.g.*, phone call, memo, letter, etc.), parties to the communication and all information in business records or elsewhere, of the substance of the communication.

ANSWER: See Answer to Interrogatory No. 8, regarding the communications between Defendants and Joseph Michael. In addition, the only communications the County received between third-parties and Joseph Michael regarding the subject matter of this case are those which were produced to Plaintiff in response to a Maryland Public Information Act request on August 31, 2021.

10. Identify the specific process by which you or anyone else determine(s) that a criminal investigation or prosecution is either ongoing and/or is no longer pending with respect to the MPIA.

ANSWER: If a criminal investigation is being conducted by the State's Attorney's Office, the County contacts the same and inquires as to whether there is a pending investigation. The Washington County State's Attorney's Office is a State entity and therefore, none of the Defendants would have express access to records of their investigations.

11. State all facts and circumstances relating to B. Andrew Bright's statement in his Affidavit purportedly signed April 20, 2021, stating, "I have been informed by the Deputy State's Attorney that the records requested by Mr. Holder pertain to an open investigation being conducted by the State's Attorney's Office." In your response, identify the "open investigation being conducted by the State's Attorney's Office" and identify all communications made by any person related to this Interrogatory and include, without limitation, the date, time, type of communication (*e.g.*, phone call, memo, letter, etc.), parties to the communication and all information in business records or elsewhere, of the substance of the communication.

ANSWER: See Answer to Interrogatory No. 8. County IT staff conducted a search and retrieved emails responsive to Plaintiff's request. After uncovering the emails sent to or from Joseph Michael, B. Andrew Bright contacted him and inquired as to whether the emails relate to a pending investigation. Joseph Michael confirmed that said emails relate to a pending investigation. Upon Defendants' subsequent receipt of an email from Plaintiff, suggesting that whatever charges were pending are no longer pending, B. Andrew Bright emailed Joseph Michael and inquired as to whether the records still related to a pending

investigation. Joseph Michael confirmed that they did.

12. State all facts and circumstances relating to Joseph Michael's statement in his Affidavit purportedly signed April 23, 2021, and then again on July 20, 2021, stating, "The records requested by Mr. Holder pertain to an ongoing investigation, conducted by the Washington County's State's Attorney's Office, in which criminal charges are pending." In your response, identify the "ongoing investigation, conducted by the Washington County's State's Attorney's Office, in which criminal charges are pending" and identify all communications made by any person related to this Interrogatory and include, without limitation, the date, time, type of communication (*e.g.*, phone call, memo, letter, etc.), parties to the communication and all information in business records or elsewhere, of the substance of the communication.

ANSWER: The investigation was being conducted by the Washington County State's Attorney's Office, which is a State entity, and not Washington County itself. Washington County does not have access to information regarding investigations conducted by the State.

13. Describe the aforementioned "ongoing investigation, conducted by the Washington County's State's Attorney's Office, in which criminal charges are pending," including, identify the person subject to the investigation, when the investigation began and ended, who conducted the investigation, the subject matter of the investigation and identify the pending charges.

ANSWER: See Answer to Interrogatory No. 12.

14. State all facts and circumstances relating to Joseph Michael's

statement in his Affidavit purportedly signed April 23, 2021, and then again on July 20, 2021, stating, "Based on the ongoing investigation and pending charges, disclosure of the requested records outside of the usual Md. Rule 4-262 Discovery Process would likely interfere with said investigation." In your response, state with particularity all facts relating to the possibility that the disclosure of the requested records outside of the usual Md. Rule 4-262 Discovery Process would not interfere with said investigation.

ANSWER: Objection to this Interrogatory as it calls for speculation and/or seeks a legal conclusion. Without waving the objection, *see* Answer to Interrogatory No. 12.

15. As set forth in B. Andrew Bright's Affidavit purportedly signed on July 28, 2021, describe with particularity the "search of the email servers that the County maintains" that was purportedly conducted by the "County's IT staff." In your response, identify all communications made by any person related to this search, the date, time, type of communication (*e.g.*, phone call, memo, letter, etc.), parties to the communication and all information in business records or elsewhere, the substance of the communication and identify who conducted the search, where the search was conducted, what was searched, what methodology of the search was used, when the search was conducted and what were the results of the search.

ANSWER: *See* Answer to Interrogatory No. 8. The search was conducted by Joshua O'Neil or other employees of the County's IT Department. The search was conducted in Washington County, Maryland. The search yielded numerous

emails between Joseph Michael and various individuals, which were produced to Plaintiff on August 31, 2021 in response to a Public Information Act request.

16. State all facts and circumstances relating to paragraphs 4 and 5 of B. Andrew Bright's Affidavit purportedly signed on July 28, 2021. In your response, identify with particularity (by attaching a copy to your responses) the email correspondence that Mr. Bright allegedly sent to Joseph Michael on August 4, 2020, and state all facts relating to Joseph Michael's alleged conclusion that "the records relate to an ongoing investigation in which criminal charges were pending, and that releasing said emails would interfere with an ongoing criminal investigation," including identify what charges were pending and identify the person subject to the investigation, when the investigation began and ended, who conducted the investigation and the subject matter of the investigation.

ANSWER: See Answer to Interrogatory No. 8 and the attached records. The facts relating to Joseph Michael conclusion would be in the possession of the State's Attorney's Office for Washington County and not Washington County itself, because that investigation was conducted by the State and not Washington County.

17. State all facts and circumstances relating to paragraph 7 of B. Andrew Bright's Affidavit purportedly signed on July 28, 2021, stating "Because Mr. Michael informed me that the records related to an open investigation in which criminal charges were pending, at the time of Holder's requests, I was required to deny Holder's requests on this basis under GP § 4-351." In your response, identify the factual and/or legal basis that requires one to deny a

request under GP § 4-351.

ANSWER: See Answers to Interrogatories No. 8 and No. 16; *see also* GP § 4-351 (indicating the standards applicable to a denial of a PIA request seeking investigatory records).

18. State all facts and circumstances relating to paragraphs 5 and 6 of Joseph Michael's Affidavit purportedly signed on August 2, 2021. In your response, identify with particularity (by attaching a copy to your responses) the email correspondence that Mr. Bright allegedly sent to Mr. Michael on August 4, 2020, and state all facts relating to Joseph Michael's alleged conclusion that "the records relate to an ongoing investigation in which criminal charges were pending," and that "Based on the ongoing investigation and then pending criminal prosecution, disclosure of the requested records outside of the usual Md. Rule 4-262 Discovery Process would likely interfere with said investigation."

ANSWER: See Answers to Interrogatories No. 8 and No. 16. The facts underlying his determination would be held by the State's Attorney's Office for Washington County—a State entity.

19. If you contend that some, but not all, records responsive to Mr. Holder's requests could have been disclosed to him without interfering with an ongoing investigation, pending charges or pending criminal prosecution, state the facts upon which your contention is based, identify what efforts you made in severing or separating documents for disclosure versus documents not to be disclosed, when those efforts were made, how that determination was made and identify all persons having personal knowledge of these facts.

ANSWER: Objection to this Interrogatory on grounds that it calls for a legal conclusion and is a premature contention Interrogatory encompassing materials likely falling under the work-product doctrine or attorney/client privilege. Without waiving the objection, Defendants do not contend that the records could have been disclosed without interfering with an ongoing investigation, based on the guidance received from Joseph Michael.

20. If you contend that the records responsive to Mr. Holder's requests could not have been redacted and then disclosed to him without interfering with an ongoing investigation, pending charges or pending criminal prosecution, state the facts upon which your contention is based, identify what efforts you made in redacting documents for disclosure, when those efforts were made, how that determination was made and identify all persons having personal knowledge of these facts.

ANSWER: Objection to this Interrogatory on grounds that it calls for a legal conclusion and is a premature contention Interrogatory encompassing materials likely falling under the work-product doctrine or attorney/client privilege. Without waiving the objection, Defendants relied on the representations of Joseph Michael.

21. State all facts and circumstances regarding why you did not specifically identify a provision under GPS 4-351(b) in your denial of Plaintiffs public information requests.

ANSWER: As set forth in Defendants' Motion to Dismiss or, in the Alternative for Summary Judgment, Defendants were not required to identify

particular grounds, based on Joseph Michael's representation that those records related to a pending criminal investigation against Plaintiff.

22. If you contend that granting Plaintiffs public information requests would have been contrary to the public interest pursuant to GP § 4-343, state the facts upon which your contention is based and identify all persons having personal knowledge of these facts.

ANSWER: Objection to this Interrogatory on grounds that it calls for a legal conclusion and is a premature contention Interrogatory encompassing materials likely falling under the work-product doctrine or attorney/client privilege.

23. If you contend that you took any action to determine whether any Brady material relating to Plaintiff was in your possession at the time of Plaintiffs public information requests, state the facts upon which your contention is based, identify what efforts you made in this regard, when those efforts were made, who took those efforts and identify all persons having personal knowledge of these facts.

ANSWER: The State's Attorney for Washington County—a State entity—and not the County was pursuing criminal charges against Plaintiff, as indicated by Joseph Michael. Because the County is not empowered to bring criminal charges against Plaintiff—and did not do so—the *Brady* doctrine is inapplicable.

24. State the facts upon which the contention in your Answer is based that this case "is moot" and identify all persons having personal knowledge of these facts.

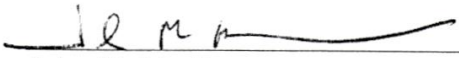
ANSWER: Defendants have identified a number of affirmative defenses for

the purpose of preserving them. Moreover, the case is now moot because Plaintiff was provided with the records he requested on August 31, 2021. Defendants, undersigned counsel's office, and Plaintiff have knowledge of these facts.

25. State the facts upon which the contention in your Answer is based that "Plaintiff has failed to join the necessary parties" and identify all persons which you contend that Plaintiff has failed to join.

ANSWER: Defendants have identified a number of affirmative defenses for the purpose of preserving them. Further, the records requested by Plaintiff are maintained by the State's Attorney's Office for Washington County—a State entity—and the underlying reason for the denial came from the State's Attorney's Office for Washington County.

BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY

BY: 
 John M. Martirano
 County Administrator

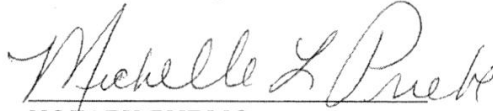
STATE OF: Maryland

COUNTY OF: Washington

TO WIT:

I hereby certify that on this 29th day of March, 2022, before me, a Notary Public for the State and City/County aforesaid, personally appeared John M. Martirano, who made oath in due form of law that he is the County Administrator for Washington County, that he is authorized to make oath on its behalf and that he has read the foregoing Answers to Interrogatories which have been compiled by counsel as well as the various persons with information thought to be relevant, that he is advised by counsel and all such persons who have contributed to the assembly of such information that the Answers are true and correct to the best of his information, knowledge and belief.

Subscribed and sworn to by me this 29th day of March, 2022.


 NOTARY PUBLIC

My Commission Expires: 5/9/23

KARPINSKI, CORNBROOKS & KARP, P.A.

BY: /s/ Kevin Karpinski
KEVIN KARPINSKI
AIS #9312150114
Suite 1850
120 East Baltimore Street
Baltimore, Maryland 21202-1617
410-727-5000
Kevin@bkcklaw.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of March 2022, a copy of the forgoing
was electronically filed, with notice to:

Jacob I. Weddle, Esquire
Remus, Weddle & Cavenee, LLC
18 West Church Street, Floor 2
Frederick, Maryland 21701
Attorney for Plaintiff

/s/ Kevin Karpinski
Counsel for Defendant

Gmail - MPIA - AUGUST 3/4 EMAIL

5/7/22, 5:36 PM



MPIA - AUGUST 3/4 EMAIL

message

Justin Holder <jholder2004@gmail.com>

Sat, May 7, 2022 at 5:35 PM

To: "Downey, Kirk" <kdowney@washco-md.net>

Cc: Kevin Karpinski <kevin@bkcklaw.com>, "Desaulniers, Kendall A." <kdesaulniers@washco-md.net>, "McCarty, Rachael" <rmccarty@washco-md.net>, Jason Parkins <jparkins@bkcklaw.com>

To whom it may concern:

I am writing to request records pursuant to the Maryland Public Information Act.

Please note any and all records excluded under gp § 4-351(b)(1) and/or gp § 4-351(b)(7).

"As Mr. Strong indicated in his letter of September 27th, 2021, you must request emails from the Washington County Government." [Emphasis Added] *SAO answer to April 23rd, 2022 MPIA*

I would like all emails between Washington County IT Department (including Joshua O'Neil);

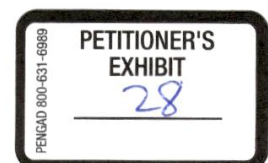
and now or former County Attorney B. Andrew Bright; sent or received

on August 3rd & 4th, 2020; that contain any of the following words:

"Justin", "Holder", "Public", "Information", "Request", "Email", "Christine", "Morrall" or "morrall7@msn.com".

Please provide a time and cost estimate in 10 days per the Maryland Public Information Statutory requirements.

Respectfully,



Gmail - MPIA - OCTOBER 14 EMAIL

5/7/22, 5:36 PM



MPIA - OCTOBER 14 EMAIL

message

Justin Holder <jholder2004@gmail.com>

Sat, May 7, 2022 at 5:30 PM

To: "Downey, Kirk" <kdowney@washco-md.net>

Cc: "McCarty, Rachael" <rmccarty@washco-md.net>, "Desaulniers, Kendall A." <kdesaulniers@washco-md.net>, Kevin Karpinski <kevin@bkcklaw.com>

To whom it may concern:

I am writing to request records pursuant to the Maryland Public Information Act.

Please note any and all records excluded under gp § 4-351(b)(1) and/or gp § 4-351(b)(7).

"As Mr. Strong indicated in his letter of September 27th, 2021, you must request emails from the Washington County Government." [Emphasis Added] *SAO answer to April 23rd, 2022 MPIA*

I would like all emails between Honorable Deputy State's Attorney (including Joseph Michael or Kenneth Shapiro);

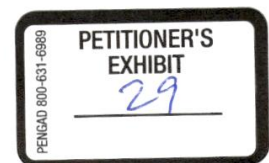
and now or former County Attorney B. Andrew Bright; sent or received

on October 14, 2020; that contain any of the following words:

"Justin", "Holder", "Public", "Information", "Request", "Investigation", "Law" or "Enforcement".

Please provide a time and cost estimate in 10 days per the Maryland Public Information Statutory requirements.

Respectfully,



<https://mail.google.com/mail/u/0/?ik=3b333e0278&view=pt&search=...thread-a%3Ar43918330652641357&simpl=msg-a%3Ar38960876707621677>

Page 1 of 1

Gmail - MPIA - JANUARY 21 EMAIL

5/7/22, 5:42 PM



MPIA - JANUARY 21 EMAIL

message

Justin Holder <jholder2004@gmail.com>

Sat, May 7, 2022 at 5:42 PM

To: "Downey, Kirk" <kdowney@washco-md.net>

Cc: Kevin Karpinski <kevin@bkcklaw.com>, Jason Parkins <jparkins@bkcklaw.com>, "Desaulniers, Kendall A." <kdesaulniers@washco-md.net>, "McCarty, Rachael" <rmccarty@washco-md.net>

To whom it may concern:

I am writing to request records pursuant to the Maryland Public Information Act.

Please note any and all records excluded under gp § 4-351(b)(1) and/or gp § 4-351(b)(7).

"As Mr. Strong indicated in his letter of September 27th, 2021, you must request emails from the Washington County Government." [Emphasis Added] *SAO answer to April 23rd, 2022 MPIA*

I would like all emails between Honorable Deputy State's Attorney (including Joseph Michael or Kenneth Shapiro);

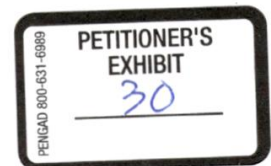
and now or former County Attorney B. Andrew Bright; sent or received

on January 21, 2021; that contain any of the following words:

"Justin", "Holder", "Public", "Information", "Request", "Investigation", "Law" or "Enforcement".

Please provide a time and cost estimate in 10 days per the Maryland Public Information Statutory requirements.

Respectfully,



<https://mail.google.com/mail/u/0/?ik=3b333e0278&view=pt&search...d-a%3Ar6032343879888542992&simpl=msg-a%3Ar6033996363105227120>

Page 1 of 1

Gmail - 342-102, PIA requests regarding emails by B. Andrew Bright and Sewer Connections

6/7/22, 5:21 PM



342-102, PIA requests regarding emails by B. Andrew Bright and Sewer Connections

Brenda Pizanis <BPizanis@bkcklaw.com>

To: "Jholder2004@gmail.com" <Jholder2004@gmail.com>

Cc: Kevin Karpinski <kevin@bkcklaw.com>, Jason Parkins <jparkins@bkcklaw.com>

Tue, Jun 7, 2022 at 4:31 PM

On behalf of Kevin Karpinski.

June 7, 2022

via email Jholder2004@gmail.com only

Justin Holder

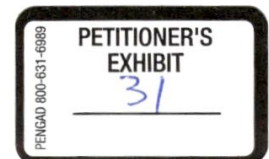
308 West Chapline Street

Sharpsburg, Maryland 21782

RE: 342-102

PIA requests regarding emails by B. Andrew Bright and Sewer Connections

Dear Justin:



<https://mail.google.com/mail/u/0/?ik=3b333e0278&view=pt&search...msg-f%3A1735009374323112867&simpl=msg-a%3Ar5927609760019433612>

Page 1 of 4

This correspondence is in response to your May 7, 2022 requests to Washington County (the "County") made pursuant to the Maryland Public Information Act ("PIA") Maryland Code, General Provisions Article ("GP") § 4-101, *et seq.*

In your first request, you sought "all emails between Honorable Deputy State's Attorney (including Joseph Michael or Kenneth Shapiro); and now or former County Attorney B. Andrew Bright; sent or received on October 14, 2020; that contain any of the following words: 'Justin', 'Holder', 'Public', 'Information', 'Request', 'Investigation', 'Law' or 'Enforcement'" (the "October 14th PIA request").

In your second request, you sought "all emails between Washington County IT Department (including Joshua O'Neil); and now or former County Attorney B. Andrew Bright; sent or received on August 3rd & 4th, 2020; that contain any of the following words 'Justin', 'Holder', 'Public', 'Information', 'Request', 'Email', 'Christine', 'Morrall' or 'morrall7@msn.com'" (the "August 3/4 Email PIA request"). I apologize for the delay in responding to the October 14th PIA request and the August 3/4 Email PIA request. The oversight was brought about by a clerical error regarding the date upon which those responses were due by an associate in my office.

With respect to the October 14th PIA request and the August 3/4 Email PIA, the PIA permits a custodian of records to deny a request in the event that "by law, the public record is privileged or confidential[.]" GP § 4-301(a)(1). With respect to the August 3/4 Email PIA request, the communications you requested pertain to legal advice between Mr. Bright and the County and therefore, the communications are subject to the attorney-client privilege and/or work product doctrine. *See Glass v. Anne Arundel Cty.*, 453 Md. 201, 209, 160 A.3d 658, 662 (2017) (noting that "a record of a communication covered by attorney-client privilege would not be disclosed in response to a PIA request, unless the client waived the privilege"). Therefore, your request is denied on that basis.

With respect to the October 14th PIA request, your request seeks communications that are subsumed under the work-product doctrine, *i.e.*, a communication prepared in anticipation of litigation. Any responsive communications relate directly to your pending PIA litigation against the County and were prepared before you brought suit. To that extent, the October 14th PIA request is denied pursuant to GP § 4-301(a)(1).

I am also responding to the PIA request you made to the County on May 11, 2022, in which you sought any and all records that "state/declare/illustrate Washington County has 'no plan to

install the sewer at this time' to properties located at 25 & 28 drive Keedysville, Maryland 21756" (the "Sewer Connection 2 PIA request"). I note that there are no properties identified as "25 & 28 drive Keedysville, Maryland," as referred to in your initial request. Accordingly, the County has no records responsive to the Sewer Connection 2 PIA request. Additionally, in your June 6, 2022 email to Mr. Downey, you revised the language of this request to refer to "25 & 28 Antietam Drive." To the extent your June 6, 2022 communication constitutes a new PIA request, please advise.

Pursuant to GP § 4-362, you are entitled to seek judicial review of this decision. You may also refer any concerns about this correspondence to the Public Access Ombudsman pursuant to GP § 4-1B-01 *et seq.* Do not hesitate to contact my office should you have any questions or concerns.

Sincerely,

KARPINSKI, CORNBROOKS & KARP, P.A.

/s/

By: Kevin Karpinski

KK:jp

Brenda Pizanis

Administrative Assistant to Kevin Karpinski

Karpinski, Cornbrooks & Karp, P.A.

120 East Baltimore Street

Suite 1850

Baltimore, Maryland 21202-1617

410-727-5000

Fax 410-727-0861

This electronic message transmission contains information that may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

Justin Holder <jholder2004@gmail.com>

Tue, Jun 7, 2022 at 5:21 PM

To: Kevin Karpinski <kevin@bkcklaw.com>

Cc: Jason Parkins <jparkins@bkcklaw.com>, Brenda Pizanis <BPizanis@bkcklaw.com>, "Downey, Kirk" <kdowney@washco-md.net>

Bcc: Jacob Weddle <jweddle@rwclawyers.com>, Adam Greivell <adam@greivellawoffice.com>

Mr. Karpinski,

Thank you for your response, and explanation of what you allege is excusable neglect.

In answer to your question on June 7th, 2022:

"To the extent your June 6, 2022 communication constitutes a new PIA request, please advise."

Yes, my June 6th, 2022 is a new MPIA request. Please respond with a time and cost in 10 days.

Following up:

you asserted a privilege regarding the "October 14th PIA request" and the "August 3/4 Email PIA request".

I recognize a denial.

LASTLY:

There is also a **Gmail - MPIA - JANUARY 21 EMAIL** attached hereto and incorporated herein by reference. Please advise if Mr. Downey intends to willfully and knowingly deny the **Gmail - MPIA - JANUARY 21 EMAIL**.

Respectfully,

Justin Holder

 **Gmail - MPIA - JANUARY 21 EMAIL.pdf**
84K



342-102, January 21 Email PIA

Justin Holder <jholder2004@gmail.com>

Thu, Jun 16, 2022 at 1:57 PM

To: Jason Parkins <jparkins@bkcklaw.com>

Cc: "Downey, Kirk" <kdowney@washco-md.net>, Kevin Karpinski <kevin@bkcklaw.com>, jmaritano@washco-md.net, jgreene@gannett.com, "Lewis, Michael" <mlewis@herald-mail.com>, "Cline, Jeff" <jcline@washco-md.net>

Bcc: Adam Greivell <adam@greivelllawoffice.com>, Jacob Weddle <jweddle@rwclawyers.com>

Mr. Parkins,

Thank you for the clarification. I appreciate the good faith the County showed in resolution of the dispute stated in **Reply - Gmail - 342-102, January 21 Email PIA.pdf** attached hereto and incorporated herein by reference. The County production of the 1 record responsive to my request of:

"I would like all emails between Honorable Deputy State's Attorney (including Joseph Michael or Kenneth Shapiro); and now or former County Attorney B. Andrew Bright; sent or received on October 14, 2020 (and in a separate request January 21, 2021); that contain any of the following words: 'Justin', 'Holder', 'Public', 'Information', 'Request', 'Investigation', 'Law' or 'Enforcement'."

Which was **RE Public Information Request (The 8 3 20 Mistro).eml** attached hereto and incorporated herein by reference.

The County by and through their agent Jason Parkins represented: "The County did search Mr. Bright's email address. That is where the responsive email came from."

I would kindly request the County look one last time in Mr. Bright's email. There must be at least 2 more emails responsive to the request. The Most Honorable County Administrator, Mr. John Martirano swore the following:



8. Identify all communications made by any Defendant or any of its employees, members or agents, related to the subject matter of this case. Such description should include but is not limited to the date, time, type of communication (e.g., phone call, memo, letter, etc.), parties to the communication and all information in business records or elsewhere, of the substance of the communication.

ANSWER: Objection to this interrogatory to the extent that it seeks communications protected by the attorney/client privilege and/or work product doctrine. Without waving said objection, the non-privileged communications are as follows:

- (1) August 4, 2020 email from B. Andrew Bright to Joseph Michael, inquiring as to whether the responsive emails are records of an ongoing investigation;
- (2) August 4, 2020 email from Joseph Michael to B. Andrew Bright, indicating that the records pertain to an ongoing investigation.
- (3) October 14, 2020 email from B. Andrew Bright to Joseph Michael indicating that Plaintiff had renewed his request and inquiring as to the status

Page 5 of 16

of the associated investigation.

- (4) October 14, 2020 email from Joseph Michael to B. Andrew Bright informing him that Plaintiff was under pending criminal investigations, to which the communications relate.

Any communications sent to or by Plaintiff are not included in the list above, because Plaintiff has access to those communications. Additionally, there exist communications between undersigned counsel and Defendants relating to the instant litigation, which are subject to the attorney-client privilege.



342-102, January 21 Email PIA

Justin Holder <jholder2004@gmail.com>

Thu, Jun 30, 2022 at 4:07 PM

To: Kevin Karpinski <kevin@bkcklaw.com>

Cc: Jason Parkins <jparkins@bkcklaw.com>, "Downey, Kirk" <kdowney@washco-md.net>, "jmaritano@washco-md.net" <jmaritano@washco-md.net>, "jgreene@gannett.com" <jgreene@gannett.com>, "Lewis, Michael" <mlewis@herald-mail.com>, "Cline, Jeff" <jcline@washco-md.net>, rwagner@washco-md.net, tbaker@washco-md.net

Dear Mr. Karpinski - Agent writ large' for Washington County Custodian(s) of Public Records,

It has been 2 weeks since we last corresponded and you requested "We will not be responding to any more MPIA requests until the Court has addressed our motion to stay."

While I dispute the validity of the County's "motion to stay", I also would characterize the County's "Motion to Stay" as an Injunction against my 1st amendment rights. In either case the Trial is over, the County failed to come before the Court and avail itself of its rights and has been concluded the same.

So I write to the Custodian of records once again and make a request for Public Records.

In Accordance with the Maryland Public Information Act please provide the following records:

"all emails between Honorable Deputy State's Attorney (including Joseph Michael or Kenneth Shapiro); and now or former County Attorney B. Andrew Bright; sent or received on August 4th, 2020 and October 14, 2020; that contain any of the following words: 'Justin', 'Holder', 'Public', 'Information', 'Request', 'Investigation', 'Law' or 'Enforcement'."

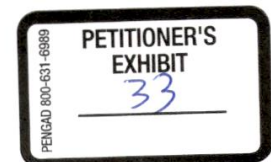
Please provide a time and cost in 10 days.

POSTURE OF THE CURRENT RECORD and REQUEST:

I do note the the requested records are separate from the instant litigation regarding *inter alia* the DENIAL and/or deletion of an email containing what I allege to be a wiretapped recording of my private conversations from the Washington County Sheriff's email server from the Town of Keedysville to Barry Levey. I do hope the County preserved the records I requested, and they have not also been deleted.

I do note that On Thu, Jun 16, 2022 at 10:57 AM Mr. Parkins, as agent for Mr. Kirk Downey - Custodian represented that "The County did search Mr. Bright's email address. That is where the responsive email came from.", see email reply chain below and attached.

I also note the Honorable Administrator John Maritriano represented to the Honorable Circuit Court under Oath that at least 3 NON PRIVILEGED Records did exist. See emails in reply chain below for specific dates and times of the aforementioned representations.
See below:



Gmail - 342-102, January 21 Email PIA

6/30/22, 4:08 PM

8. Identify all communications made by any Defendant or any of its employees, members or agents, related to the subject matter of this case. Such description should include but is not limited to the date, time, type of communication (e.g., phone call, memo, letter, etc.), parties to the communication and all information in business records or elsewhere, of the substance of the communication.

ANSWER: Objection to this interrogatory to the extent that it seeks communications protected by the attorney/client privilege and/or work product doctrine. Without waving said objection, the non-privileged communications are as follows:

- (1) August 4, 2020 email from B. Andrew Bright to Joseph Michael, inquiring as to whether the responsive emails are records of an ongoing investigation;
- (2) August 4, 2020 email from Joseph Michael to B. Andrew Bright, indicating that the records pertain to an ongoing investigation.
- (3) October 14, 2020 email from B. Andrew Bright to Joseph Michael indicating that Plaintiff had renewed his request and inquiring as to the status

Page 5 of 16

of the associated investigation.

- (4) October 14, 2020 email from Joseph Michael to B. Andrew Bright informing him that Plaintiff was under pending criminal investigations, to which the communications relate.

Any communications sent to or by Plaintiff are not included in the list above, because Plaintiff has access to those communications. Additionally, there exist communications between undersigned counsel and Defendants relating to the instant litigation, which are subject to the attorney-client privilege.

While I am thoroughly perplexed by the Honorable custodian's knowing and willful denial of these 3 NON PRIVILEGED RECORDS, I would simply remind the Custodian of the grave public interest in the integrity of our democracy with the upcoming elections. The MArlyland Public Information Act is not a game of "hide and seek" or "thrust and parry" as Mr. Downey referred to my request. Transparency is the lifeblood of a healthy democracy.

I do appreciate the hard work of the people our County government does. As I said to the Commissioners in person, I am satisfied with 99% of the job they do. I do request redress on the 1%, and I have been patient and understanding as we work through the issues. I again respectfully renew my request for redress and accountability of my elected officials. Please consider my request in this light when responding. 5 dollars and the truth is what I request, the taxpayers should not bear the burden of "thrust and parry" or "hide and seek".

Respectfully,

Jacob Weddle

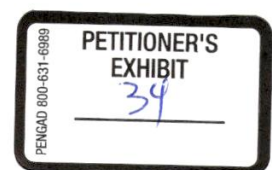
From: Jason Parkins <jparkins@bkcklaw.com>
Sent: Thursday, August 4, 2022 11:50 AM
To: Jacob Weddle
Cc: Kevin Karpinski
Subject: Justin Holder v. Washington County, et al. - August 4, 2020 and October 14, 2020 emails
Attachments: Mail - Joe Michael 10.2020 Bright, Andrew - Outlook.pdf; Mail - Holder internal emails 08.2020 Bright, Andrew - Outlook.pdf

Mr. Weddle,

Mr. Karpinski asked that I send you the attached emails, which are responsive to one of Mr. Holder's PIA requests. Let me know if you have any questions.

Best regards,

Jason C. Parkins, Esq.
Karpinski, Cornbrooks & Karp, P.A.
120 East Baltimore Street
Suite 1850
Baltimore, Maryland 21202
Telephone: 410-727-5000
Facsimile: 410-727-0861
jparkins@bkcklaw.com



Jacob Weddle

Subject: MPIA <Morral7@msn.com> Modification/New MPIA

----- Forwarded message -----

From: **Justin Holder** <jholder2004@gmail.com>

Date: Wed, Sep 1, 2021 at 12:27 PM

Subject: Re: MPIA <Morral7@msn.com> Modification/New MPIA

To: Downey, Kirk <kdowney@washco-md.net>

Cc: Bright, Andrew <abright@washco-md.net>, Kevin Karpinski <kevin@bkcklaw.com>, Jason Parkins <jparkins@bkcklaw.com>

Mr. Downey,

In good faith I realized I made a mistake.

I said "I have the emails between the address requested and sao. I also have 1 email to the Sheriff. I specifically requested the emails sent June 2nd, 2020 to blevey@washco-md.net. I have not received those emails. I have undisputed proof and personal knowledge these emails exist. Withholding of Public Information in a willful and malicious denial as this chain of emails illustrate is a violation of the public trust. The legislature made that clear"

That is not correct;

"I have the emails between the address requested and sao. I also have 1 email to the Sheriff. I specifically requested the emails sent June 1st, 2020 to blevey@washco-md.net. I have not received those emails. I have undisputed proof and personal knowledge these emails exist. Withholding of Public Information in a willful and malicious denial as this chain of emails illustrate is a violation of the public trust. The legislature made that clear"

Please accept my sincere apologies.

Please modify my MPIA request to read:

Dear Custodian of Public Records,

This is a request for public information under the Maryland Public Information Act.

Please provide the following information and/or records:

All emails/correspondence/communication with the Sheriff's Department and/or another county official/employee;

Sent or Recieved;

With the email address <Morral7@msn.com>.



Please include:

all emails/correspondence/communication in which the email <Morral7@msn.com> is a party aforesaid email; to include forwarded emails or cc, such as a June 1st, 2020 email forwarded to <blevey@washco-md.net> from <townhall@keedysvillemd.com> originally sent from <Morral7@msn.com> on May 29th, 2020, and any additional emails from May 20th, 2020 through July 31st, 2020 that are sent to blevey@washco-md.net from;

Mayorkenlord@gmail.com, hullscraneservice@hotmail.com, townhall@keedysvillemd.com, rick_bishop@keedysvillemd.com, jkkerns@verizon.net.

Please include all attachments to the aforesaid emails.

Please provide an estimate of time and cost in 10 days for this request.

Respectfully,

Justin Holder

While I believe my request was broad enough to include the June 1st and June 2nd emails, it did not include the additional emails in red. In good faith I will extend the deadline of September 1st, 2021 I arbitrarily set. Please consider this a new request, and I am extending the deadline until October 1st, 2020. Please kindly release the information as requested.

Please provide a time and cost estimate in 10 days per Statute.

Respectfully,

Justin Holder

On Mon, Aug 30, 2021, 1:12 PM Justin Holder <jholder2004@gmail.com> wrote:

Mr. Downey,

I have the emails between the address requested and sao. I also have 1 email to the Sheriff. I specifically requested the emails sent June 2nd, 2020 to blevey@washco-md.net. I have not received those emails. I have undisputed proof and personal knowledge these emails exist.

Withholding of Public Information in a willful and malicious denial as this chain of emails illustrate is a violation of the public trust. The legislature made that clear.

I am kindly requesting the County produce the records by September 1st, 2020.

I currently have 2 additional MPIA request that the County by and through Attorney C. Downey; custodian of the public trust, have willfully refused to answer.

Mr. Downey I respect the service you provide the Public. I am honestly befuddled by why the County will not produce the records. I hope to inspire the integrity of the Custodian to restore the trust of the Public, and delicately weigh the damage done by exposure of the records to Public view versus the deliberate, willful and malicious with holding of same.

I understand you are busy with Mr. Bright gone, I appreciated his assistance as well. I regret the burden, however it is these records I have been requesting for a year plus.

I wish everyone at the County Attorney office well, and hope to one day enjoy a less adverse relationship.

Sincerely,

Justin Holder

On Fri, Aug 20, 2021, 10:01 PM Justin Holder <jholder2004@gmail.com> wrote:

Mr. Downey,

I write to you tonight with a heavy heart.

It has been 30 days since I made this request included as the message in reply.

The legislature not only included a civil penalty for willful and malicious violation of the Public Information Act., they also included a criminal penalty.

A transparent government is the lifeblood of a healthy democracy!

I believe my custodian's respect the constitution and this lack of response in the 30 day time frame is an oversight.

I appreciate all the hard work the county Attorney does.

I hope to have a response by September 1st, 2021. Without a response I must assume it was the Wilful and malicious intent of the County to deny the Public our Information.

I will promptly file pro se criminal information with the commissioners of this county. I will also be writing to the Honorable Prosecutor and requesting a Prosecutor from a different venue perspective the charges.

I hope everyone can appreciate it is not my prerogative to file charges. I file charges in solitude as I mourn for the loss of liberty and justice for all.

Respectfully

Justin Holder

On Wed, Aug 4, 2021, 8:11 AM Justin Holder <jholder2004@gmail.com> wrote:

Mr. Downey and Mr. Bright,

Please see attached in body July 21st, 2021 MPIA request.

I believe we have passed the 10 day window for the required time and cost estimate.

I will assume there is no cost and the records will be produced on or before close of business August 20th, 2021 as the law provides.

I appreciate the counties time and consideration.
Thank you for your service to the Public.

Respectfully,

Justin Holder

On Thu, Jul 22, 2021, 10:08 AM Justin Holder <jholder2004@gmail.com> wrote:

Mr. Downey and Mr. Bright,

It was good to finally meet you in person Mr. Downey. As you are aware the HONorable Judge Boyer requested I make a new request. As a person of interest I enjoy a favored status. The Public Information Act is to be broadly construed for the release of information to the public and exemptions narrowly granted.

I know I have sent you casetext from Gary Glass v Anne Arundel County in the past. I really just want the information so I can make my case to the Public without the additional cost of the courts. The discretion of the custodian weighs heavily upon the public trust. Justice Scalia wrote a very well spoken dissent 2 years after *Faulk* in: (Just the BOLD) *John Doe Agency v. John Doe Corp.*, 493 US 146 - Supreme Court 1989 opining: " fear today's decision confuses more law than it clarifies. From the prior opinions of this Court, I had thought that at least this much about the Freedom of Information Act was clear: **its exemptions were to be "narrowly construed."** *Department of Justice v. Julian*, 486 U. S. 1, 8 (1988); *FBI v. Abramson*, 456 U. S. 615, 630 (1982); *Department of Air Force v. Rose*, 425 U. S. 352, 361 (1976); cf. *Department of Justice v. Reporters Committee for Freedom of Press*, 489 U. S. 749, 773 (1989) (Act mandates "full agency disclosure unless information is exempted under clearly delineated statutory language" (citations and inner quotations omitted)); *Federal Open Market Committee v. Merrill*, 443 U. S. 340, 351-352 (1979). We use the same language again today, *ante*, at 152, but demonstrate by our holding that it is a formula to be recited rather than a principle to be followed.

If used in this more generative sense, the phrase "**records or information compiled for law enforcement purposes**" would mean material that the Government has acquired or produced for those purposes — and not material acquired or produced for other reasons, **which it later shuffles into a law enforcement file.** The former meaning is not only entirely possible; several considerations suggest that it is the preferable one. First of all, the word "record" (unlike the word "file," which used to be the subject of this provision, see Freedom of Information Act Amendments of 1974, Pub. L. 93-502, § 2(b), 88 Stat. 1563-1564) can refer to a single document containing a single item of information. There is no apparent reason to deprive such an item of Exemption 7 protection simply because at the time of the request it happens to be the only item in the file. It is unnatural, however, to refer to a single item as having been "compiled" in the Court's sense of "assembled" or "gathered" — though quite natural to refer to it as having been "compiled" in the generative or acquisitive sense I have described.

The Court's only response is that "[e]vasional commingling . . . would be prevented" by the requirement that a document cannot be withheld under Exemption 7 unless, if disclosed, it "would effectuate one or more of the six specified harms." *Ante*, at 156-157. But that begs the question. Congress did not extend protection to *all* documents that produced one of the six specified harms, but only to such documents "**compiled for law**

enforcement purposes." The latter requirement is readily evaded (or illusory) if it requires nothing more than gathering up documents the Government does not wish to disclose, with a plausible law enforcement purpose in mind. That is a hole one can drive a truck through.

It seems to me, however, that what constitutes a workable balance is Congress' decision and not ours; and that the **unambiguous provisions of FOIA** are so remote from establishing what most people would consider a *reasonable* "workable balance" that there is no cause to believe such a standard permeates the Act. Consider, for example, FOIA's disequilibrating disposition with regard to information that "could reasonably be expected to endanger the life or physical safety of any individual" — **namely, that such information is not withholdable in all cases, but only if it has been "compiled for law enforcement purposes."** See 5 U. S. C. § 552(b)(7)(F). "Workable balance" is not a workable criterion in the interpretation of this law. In my view, a "practical approach" to FOIA consists of following the clear provisions of its text, and adhering to the rules we have enunciated regarding interpretation of the unclear ones — **thereby reducing the volume of litigation, and making it inescapably clear to Congress what changes need to be made.** I find today's decision most impractical, because it leaves the lower courts to guess whether they must follow what we say (**exemptions are to be "narrowly construed"**) or what we do (exemptions are to be construed to produce a "workable balance").

I understand the Maryland Law is not the Federal Law, but we can look to the Federal Court for guidance of complex issues as the Federal Law has the same 6 or 7 exemptions as GP 4-351 and Federal Exemption 5 U. S. C. § 552(b)(7)(F) is similar to GP 4-351(b)(1).

What I have been attempting to tell you, as Attached in Exhibit 1 to this email, is that other law such as *Brady* trumps this exemption from *Faulk*.

MD Gen Provisions Code § 4-343 is the beginning of part IV and part IV includes GP 4-351(b)(1) and (b)(6). GP 3-343 states: **Unless otherwise provided by law**, if a custodian believes that inspection of a **part** of a public record by the applicant would be contrary to the public interest, the custodian may deny inspection by the applicant **of that part** of the record, as provided in this part.

An inscription on the walls of the Department of Justice states the proposition candidly for the federal domain: **"The United States wins its point whenever justice is done its citizens in the courts."**[2] A prosecution that withholds evidence on demand of an accused which, if made available, *88 would tend to exculpate him or reduce the penalty helps shape a trial that bears heavily on the defendant. *Brady* Court of Appeals. 226 Md., at 427, 174 A. 2d, at 169.

My interpretation was confirmed by our Court in the footnote below:

Footnote 4 *Glass v. Anne Arundel Co.*, 160 A. 3d 658 - Md: Court of Appeals 2017: The PIA also defers to "other law" to the extent that other law makes a record available to public inspection, even if the PIA would allow an agency to withhold the record. Each of the categories of exceptions to disclosure created by the PIA is qualified by the phrase "[u]nless otherwise provided by law . . ." See GP §§4-304, 4-328, 4-343. Thus, if other law provides for disclosure of a particular record, that mandate trumps the specific exceptions to disclosure set forth in the PIA.

So I am again kindly requesting that the Custodian take a look, use your discretion and broadly construe the provisions of the "sunshine laws" of this state. Take a look in the light most favorable to the requestor and narrowly construe exemption. Transparency is the lifeblood of a healthy democracy gentleman.

Respectfully,

Justin Holder

On Wed, Jul 21, 2021 at 11:07 AM Justin Holder <jholder2004@gmail.com> wrote:

Dear Custodian of Public Records,

This is a request for public information under the Maryland Public Information Act.

Please provide the following information and/or records:

All emails/correspondence/communication with the Sheriff's Department and/or another county official/employee;

Sent or Received;

With the email address <Morral7@msn.com>.

Please include:

all emails/correspondence/communication in which the email <Morral7@msn.com> is a party aforesaid email;

to include forwarded emails or cc, such as a June 2nd, 2020 email forwarded to <blevey@washco-md.net> from <townhall@keedysvillemd.com> originally sent from <Morral7@msn.com> on May 29th, 2020.

Please include all attachments to the aforesaid emails.

Please provide an estimate of time and cost in 10 days for this request.

Respectfully,

Justin Holder



Office of the
STATE'S ATTORNEY FOR WASHINGTON COUNTY
Washington County Office Building
33 West Washington Street, Suite 302
Hagerstown, Maryland 21740-4888

P: 240-313-2000 | F: 240-313-2001 | TDD:711
Email: sao@washco-md.net

Charles P. Strong, Jr.
State's Attorney

Joseph S. Michael
Deputy State's Attorney

Regina M. Cirincion
Deputy State's Attorney

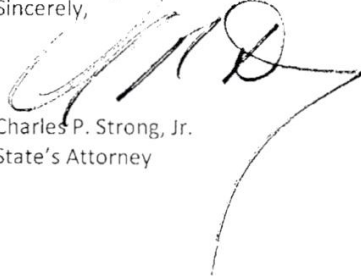
September 27, 2021

Mr. Justin Holder
308 West Chapline St
Sharpsburg MD 21782

Dear Mr. Holder,

Pursuant to your Public Information Request of August 24, 2021, an electronic file will be sent to you per your request which contains copies of all your public record files and the documents which you have requested to the extent that we have such documents. If there is not a document responsive to a particular request, it means that we don't have a document pursuant to that request. Please be advised that the Christine Morral's file has been expunged by court order. We do not have a public record of that file. Please also be advised that while some emails may have been copied to the file and included in the file, that the email system is owned and controlled by Washington County via their IT Department. The IT Department report to and is controlled by the Washington County Government. Any request for emails from the general email system should be directed to the Washington County Government directly.

Sincerely,


Charles P. Strong, Jr.
State's Attorney





Office of
STATE'S ATTORNEY FOR WASHINGTON COUNTY

Washington County Office Building
33 West Washington Street, Suite 302
Hagerstown, Maryland 21740-4888

P: 240-313-2000 | F: 240-313-2001 | TDD: 711
Email: sao@washco-md.net

Regina M. Cirincion
State's Attorney

Kenneth J. Shapiro
Deputy State's Attorney

Sarah M. Mollett-Gaumer
Deputy State's Attorney

April 23, 2022

Justin Holder
308 West Chapline Street
Sharpsburg, Maryland 21782

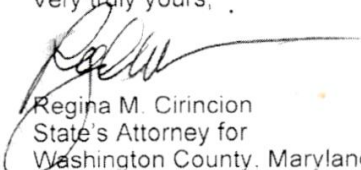
RE: Public Information Request of April 13, 2022

Dear Mr. Holder:

I am in receipt of your Public Information Request dated April 13, 2022, and have reviewed same. I have also reviewed the response to your PIA request of August 24, 2021. It appears that this office has given you everything you requested that was in our possession.

You have asked that I exclude records that were provided in Discovery to both David Harbin and Adam Grievell, as well as the records provided in your prior PIA request. There are no other records in our possession that respond to your recent request. As Mr. Strong indicated in his letter of September 27, 2021, you must request emails from the Washington County Government.

Very truly yours,


Regina M. Cirincion
State's Attorney for
Washington County, Maryland
gcirincion@washco-md.net





Justin Holder <jholder2004@gmail.com>

MPIO - Denial of Public Records

1 message

Justin Holder <jholder2004@gmail.com>
To: SAO General <sao@washco-md.net>

Mon, Jun 6, 2022 at 11:13 PM

To whom it may concern:

I am writing to request a Public Record in accordance with the Maryland Public Information Act.

Please note any and all records excluded under gp § 4-351(b)(1) and/or gp § 4-351(b)(7).

Please provide me with any Public record, including emails or correspondence from the Honorable States Attorney or email <SAO General <sao@washco-md.net>; and

Justin Holder or email <jholder2004@gmail.com>; that

Indicate a denial or withholding of a Public Record that was requested by Justin Holder from the Washington County States Attorney; and

Please include any Record that would indicate a denial of inspection of "emails stored on the Washington County email server", requested by Justin Holder through the Maryland Public Information Act.

Please include a time and cost estimate in 10 days.

Respectfully,

Justin Holder

SAO General <sao@washco-md.net>

Tue, Jun 7, 2022 at 7:54 AM

To: Justin Holder <jholder2004@gmail.com>, SAO General <sao@washco-md.net>
Cc: "Downey, Kirk" <kdowney@washco-md.net>

Mr. Holder,

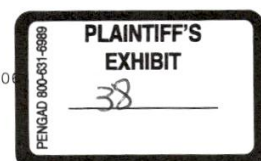
This office has repeatedly responded to your requests pursuant to the Maryland Public Information Act. I cannot release the emails. Hopefully, you have directed a request to the County.

Regina M. Cirincion

State's Attorney

Washington County, Maryland

<https://mail.google.com/mail/u/0/?ik=3b333e0278&view=pt&search...g-a%3Ar-4047400527629826069&simpl=msg-a%3Ar77918200>



From: Justin Holder <jholder2004@gmail.com>
Sent: Monday, June 6, 2022 11:13 PM
To: SAO General <sao@washco-md.net>
Subject: MPIA - Denial of Public Records

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Justin Holder <jholder2004@gmail.com>
 To: SAO General <sao@washco-md.net>
 Cc: "Downey, Kirk" <kdowney@washco-md.net>

Tue, Jun 7, 2022 at 9:43 AM

Dear Honorable States Attorney Cirincion,

Thank you for the prompt reply. I am interpreting the response as:

The State's Attorney has no responsive records.

AND by including the County Custodian Kirk Downey, the State's Attorney has Expressly authorized the release of the emails requested.

If I interpreted the response incorrectly please clarify prior to June 10th, 2022.

I truly do appreciate how busy the State's Attorney is, and I do appreciate the work you do. My preference is not to play "canary in a coal mine". I believe the information is in the Public Interest and important for transparency. I wish everyone at the State's Attorney Office well, and thank you for your service.

Respectfully,

Justin Holder

 **Clarification - Gmail - MPIA - Interested Person - Justin Kyle Holder Proceeding(s):Investigation(s) - Closed.pdf**
 147K

SAO General <sao@washco-md.net>
 To: Justin Holder <jholder2004@gmail.com>, SAO General <sao@washco-md.net>
 Cc: "Downey, Kirk" <kdowney@washco-md.net>

Tue, Jun 7, 2022 at 12:55 PM

Mr. Holder,

I cannot authorize the release of the emails, expressly or not. Your inquiry must go to the County. I apologize for any

confusion.

Regina M. Cirincion

Justin Holder <jholder2004@gmail.com>
 To: SAO General <sao@washco-md.net>
 Cc: "Downey, Kirk" <kdowney@washco-md.net>

Tue, Jun 7, 2022 at 1:23 PM

Dear Honorable States Attorney Cirincion,

Thank you kindly again for taking the time to respond. I will interpret your response to be that the States Attorney has not withheld any information or asserted a privilege from disclosure on any of the emails subject to the request attached as *Exhibit 1 - Gmail - MPIA - Interested Person - Justin Kyle Holder Proceeding(s)/Investigation(s) - Closed* attached hereto and incorporated herein by reference. (Demonstratively Highlighted for your convenience.)

I must apply the Doctrine of *Estoppel* or *Laches* in so much as I have given the Honorable State's Attorney 4 opportunities to assert a privilege and/or withhold Records as the State's Attorney believes appropriate and the Honorable State's Attorney has declined to do so. I accept the facts that create the Estoppel and that there is no dispute to those aforementioned "facts".

Just to be certain I am asking one last time:

Please let me know by June 10th, 2022 if the State's Attorney is requesting the Washington County custodian to withhold any Public Information from Justin Holder related to the Request on April 13th, 2022 attached as Exhibit 1 that you responded to on April 23rd, 2022.

Respectfully,

Justin Holder



Exhibit 1 - Gmail - MPIA - Interested Person - Justin Kyle Holder Proceeding(s):Investigation(s) - Closed.pdf
 118K



**Office of
STATE'S ATTORNEY FOR WASHINGTON COUNTY**

Washington County Office Building
33 West Washington Street, Suite 302
Hagerstown, Maryland 21740-4888

P: 240-313-2000 | F: 240-313-2001 | TDD: 711
Email: sao@washco-md.net

Regina M. Cirincion
State's Attorney

Kenneth J. Shapiro
Deputy State's Attorney

Sarah M. Mollett-Gaumer
Deputy State's Attorney

June 22, 2022

Justin Holder
308 West Chapline Street
Sharpsburg, Maryland 21782

RE: Criminal Trials No. C-21-CR-21-000337
D-112-CR-20-004016

Dear Mr. Holder:

I have met with Kirk Downey, County Attorney for Washington County, and we have agreed that certain emails can be provided to you. Enclosed are emails from the above-referenced cases. I have not provided emails that contain attorney work product.

Very truly yours,

Regina M. Cirincion
State's Attorney for
Washington County, Maryland
gcirincion@washco-md.net

cc: Kirk Downey, Esquire
County Attorney



Rupp, Michelle

From: Norford, Jennifer
Sent: Tuesday, February 8, 2022 2:36 PM
To: Rupp, Michelle
Subject: RE: Returned Subpoena - Justin Holder - Case #21-337

Palladino served it on 2/1/22. I will get a signed copy of the return sent to you.

From: Rupp, Michelle <mrupp@washco-md.net>
Sent: Tuesday, February 8, 2022 2:31 PM
To: Norford, Jennifer <jnorford@washco-md.net>
Cc: Stahle, Kimberly F. <kstahle@washco-md.net>
Subject: Returned Subpoena - Justin Holder - Case #21-337

Good afternoon Jennifer,

I was wondering if you could possibly tell me why we received this subpoena back? We got this copy yesterday and I was asking Denny in the Criminal Dept, but he has no clue.

Not sure if the guy was served and this is the 2nd copy of the subpoena? I don't want to reissue this subpoena if he was served.

If you could look into this and let me know, I would appreciate it.

Thanks!!

Michelle Rupp
Circuit Court Division
Washington County State's Attorney's Office
33 W. Washington St., 3rd Floor
Hagerstown, MD 21740
PH: 240-313-2010

Shapiro, Kenneth J.

From: David Harbin <dave@harbin-law.com>
Sent: Wednesday, July 14, 2021 3:52 PM
To: Shapiro, Kenneth J.
Subject: Re: Confirmation of Justin Holder Agreement

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Two corrections: Amend assault to disorderly and take out disputed in fact pattern. OK?

David C. Harbin, Esq.
Harbin Law Office

Hagerstown Office:
82 West Washington Street
Suite 608
Hagerstown, Maryland 21740

Frederick Office:
120 West Church Street
Frederick, Maryland 21701

Phone: 240-452-0DUI (0384)
Fax: 1-866-677-8457
Email: dave@harbin-law.com
Website: www.harbin-law.com

On Wed, Jul 14, 2021 at 3:13 PM Shapiro, Kenneth J. <kshapiro@washco-md.net> wrote:

Dave

You have memorialized the agreement with the exception of noting (though I believe this is obvious and implied) that the defendant is also to abide by the civil court's resolution if that should include staying off the disputed property.

You've received the charging document in each case and I think, but don't know if you received the attached photographs, text messages, and maps. If not, as I noted, it is attached. That is the only other discovery I have other than the charging documents.

Thank you for your efforts.

kenny

From: David Harbin <dave@harbin-law.com>
Sent: Wednesday, July 14, 2021 3:07 PM
To: Shapiro, Kenneth J. <kshapiro@washco-md.net>
Subject: Confirmation of Justin Holder Agreement

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

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Hi Ken, I believe this is the agreement:

DNR case is called and NP

Trespass case is called next and NP

In the third case, the trespass is amended to disorderly conduct. Enter an alford plea or a no contest to disorderly conduct

Assault and Stalking are conditionally NP (meaning we can't object if the charges are refiled)

The facts read into the record would be he was excessively loud in the disputed public waterways of little antietam creek

At sentencing the state is seeking a suspended sentence and 3 years unsupervised probation.

The state is seeking a no abusive contact order with Ben

The state is requesting that the defendant stay off the property during the pendency of the civil actions.

Put on record that this resolution in no way affects that civil litigation.

The Defense is free to argue regarding sentence and probation conditions regarding land.

Also, can you confirm that we have received all discovery in the State's possession?

Thanks

Dave

David C. Harbin, Esq.

Harbin Law Office

Hagerstown Office:

82 West Washington Street

Suite 608

Hagerstown, Maryland 21740

Frederick Office:

120 West Church Street

Frederick, Maryland 21701

Phone: 240-452-0DUI (0384)

Fax: 1-866-677-8457

Email: dave@harbin-law.com

Website: www.harbin-law.com

Stahle, Kimberly F.

From: Cirincion, Gina
Sent: Monday, August 2, 2021 2:49 PM
To: Ryan, Patricia; Streng, Mandy; Rupp, Michelle; Stahle, Kimberly F.
Subject: FW: Notification of Service for Case: D-112-CR-20-004087, State of Maryland vs. JUSTIN HOLDER for filing Notice of Appeal, Envelope Number: 7816659

This appeal belongs to Kenny Shapiro.

Thanks,
 Gina

From: SAO District, Washco <WashcoSAOdistrict@washco-md.net>
Sent: Monday, August 2, 2021 2:15 PM
To: Cirincion, Gina <GCirinci@washco-md.net>
Cc: Shapiro, Kenneth J. <kshapiro@washco-md.net>; Thomas, Jessica <jthomas@washco-md.net>
Subject: FW: Notification of Service for Case: D-112-CR-20-004087, State of Maryland vs. JUSTIN HOLDER for filing Notice of Appeal, Envelope Number: 7816659

Kenny to handle

From: efilingmail@tylerhost.net <efilingmail@tylerhost.net>
Sent: Thursday, July 29, 2021 1:49 PM
To: SAO District, Washco <WashcoSAOdistrict@washco-md.net>
Subject: Notification of Service for Case: D-112-CR-20-004087, State of Maryland vs. JUSTIN HOLDER for filing Notice of Appeal, Envelope Number: 7816659

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Notification of Service

Case Number: D-112-CR-20-004087
 Case Style: State of Maryland vs. JUSTIN
 HOLDER
 Envelope Number: 7816659

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	D-112-CR-20-004087
Case Style	State of Maryland vs. JUSTIN HOLDER

Date/Time Submitted	7/29/2021 1:48 PM EST
Filing Type	Notice of Appeal
Filing Description	Request for Appeal
Filed By	Abigail Statler
Service Contacts	State of Maryland: Washington County SAO District Court (WashcoSAOdistrict@washco-md.net)

Document Details

Served Document	Download Document
This link is active for 60 days.	

Cirincion, Gina

From: Michael, Joe
Sent: Monday, November 2, 2020 1:57 PM
To: 'Talley H. Kovacs -DNR-'
Subject: RE: State of MD v. Justin Holder

Thanks for at least telling me that you won't be telling me.

This office will be putting effort into the preparation and pursuit of this criminal matter that corresponds with the DNR's effort to protect its property in civil court. Under these circumstances it is likely to be a not guilty, which will probably not inure to DNR's benefit in the long run.

If DNR would prefer that the State NP this matter so that DNR is not left with a not-guilty verdict, please send me a formal request to NP this case for this office's file, and this office will give that request due consideration.

Meanwhile I am watching the civil proceedings in the Circuit Court vis a vis the neighboring properties.

From: Talley H. Kovacs -DNR- <talley.kovacs@maryland.gov>
Sent: Monday, November 2, 2020 1:10 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: Re: State of MD v. Justin Holder

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Joe-

I left a message for you last week to discuss your emails, but I know you are incredibly busy. I do understand your position. At this time, I cannot offer anything further regarding DNR's deliberation upon actions it may or may not take in the future.

Best regards,

Talley

Talley H-S. Kovacs, Esq.
 Assistant Attorney General
Talley.Kovacs@maryland.gov
 Cell: (443) 841-8877

On Wed, Oct 14, 2020 at 9:26 AM Michael, Joe <jmichael@washco-md.net> wrote:

As requested in my e-mail of October 1, 2020, please let me know how DNR is going to proceed on the civil end. Your e-mail was silent regarding my request for information – not that you have any obligation to tell me.

The State will wait until the citations are set for trial to make any determination on how it is going to proceed, but given the DNR's apparent lack of interest in this matter, additional charges are unlikely, unless a different victim, who is more interested in asserting its rights steps forward. Needless to say, this office won't be devoting any keen resources to a case that the DNR won't take to civil court.

I'll let you know when the citations are set. Mary, if and when this matter goes to trial, please be ready to explain during your testimony why DNR feels that criminal charges are appropriate in a case where DNR cannot or will not exert its property rights in equity court. The Judge will want to know and understand that answer, because it goes to the heart of the matter. It is a real headscratcher.

From: Talley H. Kovacs -DNR- <talley.kovacs@maryland.gov>
Sent: Tuesday, October 13, 2020 1:47 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: State of MD v. Justin Holder

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Any claims of being a County official or employee should be disregarded.

Mr. Michael-

I hope this email finds you well. DNR understands that your office may determine to nolle pros the four citations issued to Justin Kyle Holder in June 2020. Please let me know if you plan to prosecute Mr. Holder under Criminal Law Section Article 6-301 for Malicious Destruction of Property, which you seemed inclined to pursue as late as September 11, 2020 according to your email to Mr. Holder's attorney.

If I can be of further assistance, please do not hesitate to contact me.

Best,

Talley Kovacs

Talley H-S. Kovacs, Esq.

Assistant Attorney General

Department of Natural Resources

Tawes State Office Building

580 Taylor Avenue, Suite C-4

Annapolis, Maryland 21401

Talley.Kovacs@maryland.gov

Office: (410) 260-8351

Cell: (443) 841-8877* (Effective March 14, 2020 call this number to reach me.)

*****We are currently teleworking due to the COVID-19 emergency. Email is the best way to reach me.***

Thomas, Jessica

From: Michael, Joe
Sent: Monday, May 17, 2021 8:33 AM
To: Thomas, Jessica
Subject: FW: Is the State not interested in Justice? [Deputy States Attorney Michael Priveledged]
Attachments: image001.png; Culler, Garrett March 22, 2021_full_CERTIFIED COPY.pdf; Screenshot_20210513-075455_Adobe Acrobat.jpg

Please put this and attachment in the State v. Justin Holder, and State v. Christine Morral files (the Morral case may have been expunged).

From: Strong, Charles <CStrong@washco-md.net> **On Behalf Of** SAO General
Sent: Monday, May 17, 2021 8:24 AM
To: Michael, Joe <jmichael@washco-md.net>
Subject: FW: Is the State not interested in Justice? [Deputy States Attorney Michael Priveledged]

From: Justin Holder <jholder2004@gmail.com>
Sent: Sunday, May 16, 2021 8:42 AM
To: SAO General <sao@washco-md.net>
Cc: Matt Ruble <Matt@mbrlaw.com>; Robert Kline <rkline@cookeandkline.com>; Talley H. Kovacs -DNR- <talley.kovacs@maryland.gov>; Mark W. Schweitzer <mschweitzer@mhlawyers.com>; Aaron D. Neal <aneal@mhlawyers.com>; dave@harbin-law.com; Adam Greivell <adam@greivellawoffice.com>; Downey, Kirk <kdowney@washco-md.net>; Bright, Andrew <abright@washco-md.net>; David Pembroke <rdpembroke1954@gmail.com>; Ira Cooke <ira@cookeandkline.com>; Ed Kuczynski <ed.kuczlaw@gmail.com>; Jacob Weddle <jweddle@gordonsimmons.com>
Subject: Is the State not interested in Justice? [Deputy States Attorney Michael Priveledged]

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The last day we spoke I was in proper person. It was early September 2020, at the preliminary wiretapping hearing of Ms. Morral.

Mr. Michael you handed me a paper requesting discovery.

I started to speak and you raised your hand and told me you do not talk to unrepresented clients , and walked off.

I yelled down the hall after you "Is the State not interested in Justice?" [Emphasis Added but I hollered right loud]

No answer Mr. Michael, you just kept walking.

Well I did what you suggested sir. I went and saw the Chancellor. I made my claim notoriously if anyone bothers reading the minutes in the Quiet little town of Keedysville, or the Land Records 'writ large.

Mayor Lord of Keedysville said under oath the whole town would like to test the validity of my deed, yet no one has preyed a bill of demurrer, it will not lie. Mr. Michael I assure the state I have the record. I have produced my deed, I have recorded my title with the Honorable Clerk. The burden lies on the State, Honorable Prosecutor, as Mr. Morral so kindly requested of myself in video.mov"

"SHOW EVERYBODY YOUR DEED!, YOU DO NOT HAVE ONE!"

Just a deed showing fee simple ownership is all I have been so humbly requesting of the Honorable Prosecutor.

I will not burden the State with my Version of Justice, I shall prosecute my own as I require.

Would the Prosecutor kindly join the Status Conference. The stone I requested the Chancellor lay eyes upon is directly in the center of the State's crime scene. I would certainly not wish to interfere with your investigation Mr. Michael. (Call included in forwarded email below)

I included the county on this email chain. The county surveyor appears to agree with my analysis of title as well on Page 26 of attached transcripts. Pages 120 to 145 are also quite the xerox moment!

<https://youtu.be/PZbqAMEwtOE>

I would certainly enjoy an answer to my 3 questions Mr. Michael and Ms. Kovacs, I really do hate to "drag" the county 'writ large into whatever "this case" really is about. So please just kindly send me a deed showing "fee simple" on it and I will apologize, pay my restitution and stop wasting resources. If I don't acquiesce to record title/or prove my claim of estopple/abandonedment/right, I certainly agree with you Mr. Michael. Wasting all these state resources, prison would be a just result for the Public.

I would like to inform the Honorable deputy States Attorney on 1 point if I may. Mr. Michael I only need a Chancellor of Law. I request the Law, as Harsh as it may be, and I will have my equity as harsh as that may be.

I wish everyone a great week and hope to work together in good faith to "architect a trial in the interest of justice"

Respectfully,

Justin Holder

"To permit a prosecuting attorney to have an interest of any nature whatsoever in any civil proceedings, directly or indirectly, and which proceedings involve similar facts or the same subject matter as a criminal prosecution then pending or thereafter initiated, can only give rise to suspicion concerning and relating to the motives of the prosecuting attorney involved, and bring such office into disrepute with the public." 163 A.2d at 229-31

https://scholar.google.com/scholar_case?case=4104563889824204689&q=sinclair&hl=en&as_sdt=4,21

On Thu, May 13, 2021, 10:42 AM Aaron D. Neal <aneal@mhlawyers.com> wrote:

All,

Anyone that plans to participate in the May 21, 2021 scheduling conference via telephone can join via the conference call information set forth below. I will conference the Court in at the appointed time.

Conference Call Number:

301-456-0837

Conference ID:

955136

Please advise if you intend to participate via telephone. If I do not hear from you, I will assume that you plan to appear in person.

Regards,



Aaron D. Neal

*Principal**

McNamee Hosea

6411 Ivy Lane, Suite 200 o 301.441.2420
Greenbelt, Maryland 20770 F 301.982.9450

Facebook | mhlawyers.com

**Admitted in Maryland, Virginia, and the District of Columbia*

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Jacob Weddle

Subject: FW: Public information request

----- Forwarded message -----

From: **Justin Holder** <jholder2004@gmail.com>
Date: Thu, Oct 15, 2020 at 10:59 AM
Subject: Re: Public information request
To: McCarty, Rachael <rmccarty@washco-md.net>
Cc: Bright, Andrew <abright@washco-md.net>

Ms. McCarty and Mr. Bright,

Would you please disclose the specific investigation in which you are referring to?

At this time I am trying to ascertain the extent of a wrongdoing against myself and to that extent this denial is obstructing my attempt to find justice in that wrong.

Please reconsider your response as I am a person of interest, and there are statutes of limitations that I am concerned with as a victim. I do have a First amendment right to file action on my own as a private citizen and ascertain the extent of damages in determining restitution of said wrongdoing.

I believe everyone is aware of the contents of the emails. I would humbly ask again, how would you feel about this? Would you not feel a dire need to see exactly what was said and delivered?

Thank you for reconsidering my request,

Justin Holder

On Thu, Oct 15, 2020, 10:28 AM McCarty, Rachael <rmccarty@washco-md.net> wrote:

Mr. Holder,

Please see the attached in response to your PIA request below.

Thank you,

Rachael McCarty

Legal Secretary

Office of the County Attorney



Washington County Administration Complex

100 West Washington Street, Suite 1101

Hagerstown, MD 21740

P: (240) 313-2233 | F: 240-313-2231

www.washco-md.net

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From: Bright, Andrew <abright@washco-md.net>
Sent: Wednesday, October 14, 2020 2:17 PM
To: McCarty, Rachael <rmccarty@washco-md.net>
Subject: Fw: Public information request

From: Justin Holder <jholder2004@gmail.com>
Sent: Wednesday, October 14, 2020 1:49 PM
To: Bright, Andrew <abright@washco-md.net>; Downey, Kirk <kdowney@washco-md.net>
Subject: Re: Public information request

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Mr. Bright,

The case has been dismissed from district court against Christine Morral as of 9am today per case search. Adam Greivell by email which I will gladly forward if you do not take my word, has confirmed with Doug Mullendore that I have no investigation open against myself.

Please fulfill my August 3rd PIA referenced in email body.

Thank you,

Justin Holder

On Mon, Aug 3, 2020, 2:32 PM Justin Holder <jholder2004@gmail.com> wrote:

To whom it may concern:

Please provide all email correspondance from the following email address "Morrall7@msn.com" and any sheriff, deputy, county official from May 19th to present.

Please provide time and cost in 10 days

Thank you,

Justin Holder



Public information request

1 message

Justin Holder <jholder2004@gmail.com>
To: McCarty, Rachael <rmccarty@washco-md.net>
Cc: Bright, Andrew <abright@washco-md.net>
Bcc: Adam Greivell <adam@greivelllawoffice.com>

Thu, Oct 15, 2020 at 12:31 PM

I looked a little more to try and understand the legal concept behind what I am asking. I am looking at Brady laws and exculpatory materials. Also conspiracy to obstruct justice and what the last overt act would be.

I am being 100% sincere when I say I have tried my best to resolve things. Forgive mistakes in my life.
I am only asking for equality and my rights, the 1st, 4th, 5th, 6th, and 14th of the united states.

In case you guys have not noticed, those rights are being trampled on. I have done nothing wrong and I have harmed no person or property. I am only asking for equality the government is unwillingly to grant because they do not like me or the questions I ask.

I do have faith in the courts, whether it be our own district court or the US district court. I have done nothing but study the law for the last 6 monthes and have had no choice otherwise. The people in charge of protecting my rights have in my opinion failed me. I may not have all the evidence, but I have located probably cause to obtain it. I have asked to have the evidence preserved.

I am and will continue to humbly protest to the government to protect my rights, protect our constitution, protect mankind's last hope for liberty and justice for all. I am certainly not perfect, but I have always done right by people. I respect their liberty and defend the rights of others when I see injustice. I am only asking that you do the same for me.

There has to be an easy way for me to do this. Any citizen should not have to fight so hard when the answer of what is right is so obvious guys.

Thanks,

Justin
[Quoted text hidden]



Jacob Weddle

Subject: FW: Public Information Request (The 8/3/20 "Mistro")
Attachments: IMG-20210121-WA0003.jpg; IMG-20210121-WA0000.jpg; IMG-20210121-WA0004.jpg;
 IMG-20210121-WA0005.jpg; IMG-20210121-WA0001.jpg; IMG-20210121-WA0002.jpg

message -----

From: **Justin Holder** <jholder2004@gmail.com>
 Date: Thu, Jan 21, 2021 at 10:23 AM
 Subject: Re: Public Information Request (The 8/3/20 "Mistro")
 To: Bright, Andrew <abright@washco-md.net>
 Cc: Downey, Kirk <kdowney@washco-md.net>, <info.osp@maryland.gov>

Mr. Bright,

I attached some additional details regarding the unlawful denial of this MPIA.

Please look specifically at the case including the OSP.

Respectfully,

Justin Holder

On Thu, Jan 21, 2021, 8:58 AM Justin Holder <jholder2004@gmail.com> wrote:

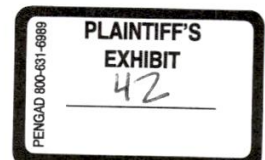
Mr. Bright,

The 4th amendment is an important protection for individual liberty. The Brady Doctrine is well established. I have included 2 screenshots, 1 of my MPIA request denial, and the second of my response.

On May 29th, 2020 my communication was intercepted without my permission. On July 30th, 2020 I was given the evidence to establish cause of the crime by Assistant Attorney General Talley Kovacs. I filed charges on July 31st, 2020. The commissioners issued a summons. At the preliminary trial I was required to testify. I showed up, only to find out the States Attorney was not prosecuting the crime, they are elected and thats the publics choice. I was handed a discovery letter at that time. While not conclusive, the delivery of discovery was overt and anecdotal. The Prosecutor knew the case of my charges was related to the cjp10-402 violation. The Prosecutor would know that 1 case would effect the evidence in the other. On August 3rd, 2020 I immediately requested additional emails from Washington County. The Prosecutor has the ability to conduct as Mistro the symphony of justice.

That casts the prosecutor in the role of an architect of a proceeding that does not comport with standards of justice, even though, as in the present case, his action is not "the result of guile," to use the words of the Court of Appeals. 226 Md., at 427, 174 A. 2d, at 169.

I have cause to believe the subject matter of the request from 8/3/20 in the screenshots would produce exculpatory materials, and likely intercepted communications. I would kindly ask the county Attorney as member of the prosecution team to provide Brady Doctrine material in the public interest of Justice.



An inscription on the walls of the Department of Justice states the proposition candidly for the federal domain: "The United States wins its point whenever justice is done its citizens in the courts."^[2] A prosecution that withholds evidence on demand of an accused which, if made available, ⁸⁸ would tend to exculpate him or reduce the penalty helps shape a trial that bears heavily on the defendant. Again Brady Supra.

Respectfully,

Justin Holder

Blythe v. State, 161 Md. App. 492, 525-26 n.6 (2005). Thus, an enumerated agency need not make a particularized showing of a law enforcement purpose to justify the withholding of a record relating to a criminal investigation. *See Office of the State Prosecutor*, 356 Md. 118. However, once an investigation is closed, disclosure is less likely to be “contrary to the public interest” and courts will require a more particularized factual basis for a “public interest” denial. *City of Frederick v. Randall Family, LLC*, 154 Md. App. 543, 562-67 (2004); *Prince George’s County v. Washington Post Co.*, 149 Md. App. 289, 333 (2003).

Kirk C. Downey
County Attorney



Washington County
MARYLAND

Kendall A. McPeak
Deputy County Attorney

B. Andrew Bright
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

October 15, 2020

Re: Public Information Act Request
dated 8/3/2020 (renewed 10/14/2020)

jholder2004@gmail.com
Justin Holder
25 Antietam Drive
Keedysville, MD 21756

Dear Mr. Holder:

Our office is in receipt of your email dated October 14, 2020, renewing your August 3, 2020 email, requesting records pursuant to the Maryland Public Information Act, MD. Code, Gen'l Prov. Art. §§4-101 et seq. ("PIA"). Your request and correlating response from our office are set forth below.

Inquiry: "Please provide all email correspondence from the following email address "Morrall7@msn.com" and any sheriff, deputy, county official from May 19th to present."

Response: Your request is denied. Pursuant to Gen'l Prov. Art. § 4-351, a custodian may deny inspection, by a person in interest, of records of investigations conducted by a State's Attorney. The State's Attorney's Office has advised that the records you have requested are, in fact, records of a still ongoing investigation and involve current prosecution. Therefore, I must deny your request.

As your request was denied, you are, pursuant to § 4-362, entitled to seek judicial review of this decision. You may also refer any concerns about this decision to the Public Access Ombudsman per § 4-1B-01 et seq.

Sincerely,

B. Andrew Bright
Assistant County Attorney

100 West Washington Street, Suite 1101 | Hagerstown, MD 21740 | P: 240.313.2230 | F: 240.313.2231 | TDD: 711

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Kirk C. Downey
County Attorney



Washington County
MARYLAND

Kendall A. McPeak
Deputy County Attorney

B. Andrew Bright
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

October 15, 2020

Re: Public Information Act Request
dated 8/3/2020 (renewed 10/14/2020)

jholder2004@gmail.com
Justin Holder
25 Antietam Drive
Keedysville, MD 21756

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Sincerely,

B. Andrew Bright
Assistant County Attorney

100 West Washington Street, Suite 1101 | Hagerstown, MD 21740 | P: 240.313.2230 | F: 240.313.2231 | TDD: 711

WWW.WASHCO-MD.NET

The rules are somewhat different when the request for an investigatory file is made by the “person in interest.” Under GP § 4-351(b), the “person in interest” is entitled to inspect investigatory records of which he or she is the subject unless production would:

- (1) interfere with a valid and proper law enforcement proceeding;
- (2) deprive another person of a right to a fair trial or an impartial adjudication;
- (3) constitute an unwarranted invasion of personal privacy;
- (4) disclose the identity of a confidential source;
- (5) disclose an investigative technique or procedure;
- (6) prejudice an investigation; or
- (7) endanger the life or physical safety of an individual.

See generally Mayor and City Council of Baltimore v. Maryland Committee Against the Gun Ban, 329 Md. 78 (1993); *Briscoe v. Mayor and City Council of Baltimore*, 100 Md. App. 124 (1994); 82 *Opinions of the Attorney General* 111 (1997); 81 *Opinions of the Attorney General* 154 (1996). Because a person in interest enjoys a favored status, a custodian must point out precisely which of the seven grounds enumerated in GP § 4-351(b) justifies the withholding of an investigatory record and explain precisely why it would do so. *Blythe v. State*, 161 Md. App. 492, 531 (2005).

The focus of the provision that protects the identity of a confidential source is not on the motivation of the requester or the potential harm to the informant. “Rather, the purpose of the exception is to assist law enforcement officials in gathering information by ensuring reluctant sources that their identities would not be disclosed.” *Bowen v. Davison*, 135 Md. App. 152, 164 (2000). The Supreme Court has held that a law enforcement agency is not entitled to a presumption that all sources supplying information to that agency in the course of a criminal investigation are “confidential

sources” within the FOIA exception for investigatory records. Rather, only some narrowly defined circumstances provide a basis for inferring confidentiality, as when paid informants expect their information to remain confidential. *Department of Justice v. Landano*, 508 U.S. 165 (1993). Thus, there must be an express or implied assurance of confidentiality to the informant. *Bowen v. Davison*, 135 Md. App. at 164.

D. Discretionary Exceptions

Under Subtitle 3, Part IV, a custodian may deny the right of inspection to certain records or parts of records, but only if disclosure would be contrary to the “public interest.” GP § 4-343. These records are:

- Interagency or intra-agency memoranda or letters that would be privileged in litigation, GP § 4-344;
- Testing records for academic, employment, or licensing examinations, GP § 4-345;
- Specific details of a research project that an institution of the State or of a political subdivision is conducting, GP § 4-346;
- Information relating to an invention owned by a State public institution of higher education, GP § 4-347;
- Information relating to a trade secret, confidential commercial information, or confidential financial information owned by the Maryland Technology Development Corporation or by a public senior higher educational institution, GP § 4-348;
- Contents of a real estate appraisal made for a public agency about a pending acquisition (except from the property owner), GP § 4-349;
- Site-specific location of certain plants, animals, or property, GP § 4-350;
- Records of investigation, intelligence information, security procedures, or investigatory files, GP § 4-351;

A “person in interest”—generally the person who is the subject of the record, GP § 4-101(e)—has a greater right of access to the information contained in investigatory and testing records. GP §§ 4-351 (b) and 4-345(b); *see also* Chapter 2, Part A, above.

These exceptions are “discretionary” not in the sense that the agency may withhold or disclose as it pleases, but in the sense that the agency must make a judgment whether . . . disclosure ‘would be contrary to the public interest.’” *Glass v. Anne Arundel County*, 453 Md. 201, 210 (2017). Whether disclosure would be “contrary to the public interest” under these exceptions is in the custodian’s “sound discretion,” to be exercised only after careful consideration is given to the public interest involved.” 58 *Opinions of the Attorney General* 563, 566 (1973). In making this determination, the custodian must carefully balance the possible consequences of disclosure against the public interest in favor of disclosure. 64 *Opinions of the Attorney General* 236, 242 (1979). If the custodian denies access under one of the discretionary exemptions, the custodian must provide “a brief explanation of why the denial is necessary” and “an explanation of why redacting information would not address the reasons for the denial.” GP § 4-203(c)(1)(i)2.

Jacob Weddle

Subject: FW: Public Information Request (The 8/3/20 "Mistro")
Attachments: IMG-20210121-WA0003.jpg; IMG-20210121-WA0000.jpg; IMG-20210121-WA0004.jpg;
 IMG-20210121-WA0002.jpg; IMG-20210121-WA0005.jpg; IMG-20210121-WA0001.jpg;
 PIA_manual_printable.pdf

----- Forwarded message -----

From: Justin Holder <jholder2004@gmail.com>
Date: Thu, Jan 21, 2021 at 12:30 PM
Subject: Re: Public Information Request (The 8/3/20 "Mistro")
To: Bright, Andrew <abright@washco-md.net>
Cc: Downey, Kirk <kdowney@washco-md.net>, <info.osp@maryland.gov>

Dear Mr. Bright,

I sincerely appreciate your response. I had intended to add some additional screenshots to the email, but they did not transmit. I did add them an hour ago with a reply email. I attached the same screenshots again to this email for your convenience.

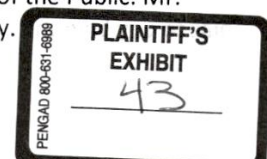
In your response as custodian you stated "It is not my prerogative to act on behalf of the State's Attorney." Mr. Bright, I opine that you are acting on behalf of the State's Attorney. Whilst you have not come directly out and stated overtly "I am denying this request, at the explicit instructions of the States Attorney", it would be reasonable for me to infer from prior conversation, and documents and text within this email chain that you are, in fact denying this request "on behalf of the State's Attorney".

Mr. Bright, as a 'person of interest' in this investigation, the standard for denial is different as follows:

Under GP § 4-351(b), however, the "person in interest" is entitled to inspect investigatory records of which he or she is the subject unless production would: (1) interfere with a valid and proper law enforcement proceeding; (2) deprive another person of a right to a fair trial or an impartial adjudication; (3) constitute an unwarranted invasion of personal privacy; (4) disclose the identity of a confidential source; (5) disclose an investigative technique or procedure; (6) prejudice an investigation; or (7) endanger the life or physical safety of an individual. (Please see screenshots for (4) there are limits to this).

Therefore I further Opine that the original reply was an "unlawful" denial of Public Information. That you are required to choose a reason from 1 through 7 above as the reason that you denied the information request. That you, Mr. Andrew Bright are the custodian of Public Information, and that you, Mr. Andrew Bright have sole discretion over disclosure of Public Information. The States Attorney's desire to preclude myself from Brady Doctrine exculpatory evidence is an unlawful denial of due process. Mr. Bright, you serve the Public. Fair trials are directly in the Public Interest. Whilst the State's Attorney may choose to withhold the evidence to grant them advantage at trial, that decision is not in the Public Interest, and is a perversion of Justice. You have a duty to the Public Interest to strive for Ethical Perfection. As you said the Evidence is in your exclusive control. I have now informed you I have reasonable cause to believe the Information contains evidence of a crime under section 10-402 of the Courts and Judicial Proceedings article.

Mr. Bright, I will finally state with 100% confidence there is never a case in which it is lawful to deny Public Information that when disclosed is in the Public Interest. I will state with 100% confidence, Due Process, a fair trial, Liberty and Justice for All; arre at all times, with no exceptions, exclusions, or exemptions are in the Interest of the Public. Mr. Bright, you took an oath and swore a duty. That duty is yours and you are the master of your duty.



duty, and I do peaceable request a redress of my grievance. Mr. Bright, please kindly provide me with the information I request.

Respectfully,

Justin Holder



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On Thu, Jan 21, 2021, 11:24 AM Bright, Andrew <abright@washco-md.net> wrote:

Dear Mr. Holder:

Thank you for your email of this morning. I share your devotion to the *Brady* Doctrine, and constitutionally protected rights generally.

Contrary to your assertion, the County Attorney is not a "member of the prosecution team." That is the role of the State's Attorney. The "commissioners" that you indicate issued a summons against you, was not the Board of County Commissioners, for whom I work. It may have been a District Court Commissioner, but I have no knowledge of that.

For better or worse, the County is in possession of the Sheriff's email server. However, I can assure you that the County Attorney's office has no desire to involve itself in whatever criminal prosecution is pending against you.

If there is exculpatory evidence in the possession of the Sheriff's department or the office of the State's Attorney, the obligations of *Brady v. Maryland* must be honored by the State's Attorney's Office. It is not my prerogative to act on behalf of the State's Attorney.

Sincerely,

Andy Bright

Error! Filename not specified.

B. Andrew Bright

Assistant County Attorney

Washington County Administration Complex

100 West Washington Street, Suite 1101

Hagerstown, MD 21740

P: (240) 313-2230 | F: 240-313-2231

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From: Justin Holder <jholder2004@gmail.com>
Sent: Thursday, January 21, 2021 8:58 AM
To: Bright, Andrew <abright@washco-md.net>
Cc: Downey, Kirk <kdowney@washco-md.net>; info.osp@maryland.gov <info.osp@maryland.gov>
Subject: Public Information Request (The 8/3/20 "Mistro")

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An inscription on the walls of the Department of Justice states the proposition candidly for the federal domain: "The United States wins its point whenever justice is done its citizens in the courts."^[2] A prosecution that withholds evidence on demand of an accused which, if made available, ^{*88} would tend to exculpate him or reduce the penalty helps shape a trial that bears heavily on the defendant. Again Brady Supra.

Respectfully,

Justin Holder



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Jacob Weddle

Subject: Re: Confirmation of Justin Holder Agreement
Attachments: EVIDENCE REQUESTED.docx

From: "Shapiro, Kenneth J." <kshapiro@washco-md.net>
Date: July 14, 2021 at 3:13:14 PM EDT
To: Dave@harbin-law.com
Subject: RE: Confirmation of Justin Holder Agreement

Dave

You have memorialized the agreement with the exception of noting (though I believe this is obvious and implied) that the defendant is also to abide by the civil court's resolution if that should include staying off the disputed property.

You've received the charging document in each case and I think, but don't know if you received the attached photographs, text messages, and maps. If not, as I noted, it is attached. That is the only other discovery I have other than the charging documents.

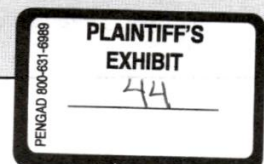
Thank you for your efforts.

kenny

From: David Harbin <dave@harbin-law.com>
Sent: Wednesday, July 14, 2021 3:07 PM
To: Shapiro, Kenneth J. <kshapiro@washco-md.net>
Subject: Confirmation of Justin Holder Agreement

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Hi Ken, I believe this is the agreement:

DNR case is called and NP

Trespass case is called next and NP

In the third case, the trespass is amended to disorderly conduct. Enter an alford plea or a no contest to disorderly conduct

Assault and Stalking are conditionally NP (meaning we can't object if the charges are refiled)

The facts read into the record would be he was excessively loud in the disputed public waterways of little antietam creek

At sentencing the state is seeking a suspended sentence and 3 years unsupervised probation.

The state is seeking a no abusive contact order with Ben

The state is requesting that the defendant stay off the property during the pendency of the civil actions.

Put on record that this resolution in no way affects that civil litigation.

The Defense is free to argue regarding sentence and probation conditions regarding land.

Also, can you confirm that we have received all discovery in the State's possession?

Thanks

Dave

David C. Harbin, Esq.

Harbin Law Office

Hagerstown Office:

82 West Washington Street

Suite 608

Hagerstown, Maryland 21740

Frederick Office:

120 West Church Street

Frederick, Maryland 21701

Phone: 240-452-0DUI (0384)

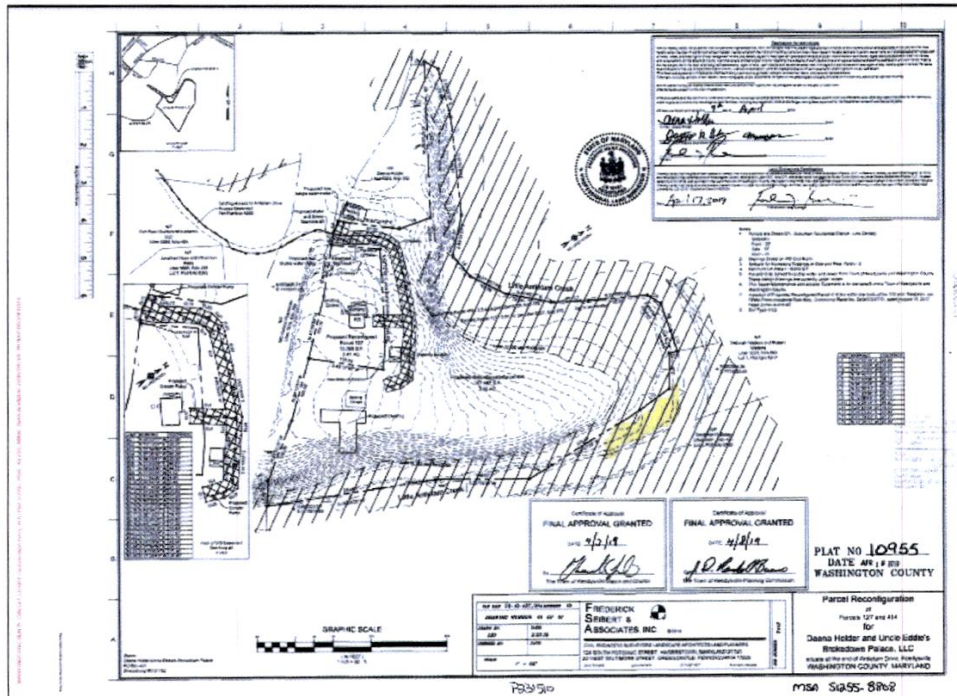
Fax: 1-866-677-8457

Email: dave@harbin-law.com

Website: www.harbin-law.com

Chronology of relevant events with pictures:

- Summer of 2019
 - At a meeting in Mr. Estes' backyard, Ben Estes personally informs Mr. Holder to not enter the Estes Property.
- 12/31/2019
 - Ben Estes meets with Justin Holder at 28 Antietam Dr. (the Holder Property) and asks Mr. Holder about the removal of trees and vegetation on Ben Estes Property (22 Mount Hebron Rd= the Estes Property). The clearing at this point in time had occurred in the areas as highlighted shown (this is Mr. Holder's survey)



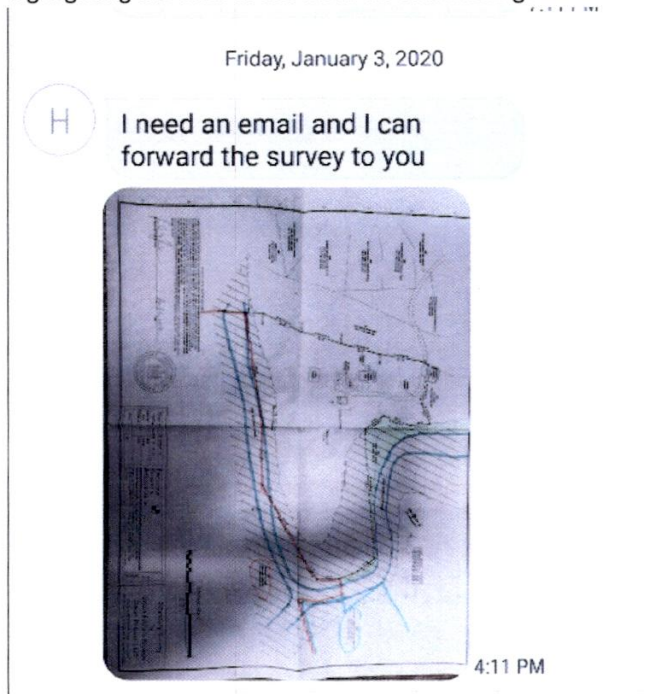
- Justin Holder tells Ben Estes that he cleared the area of the Estes Property and showed Ben Estes where the surveyor, Fred Frederick had clearly marked the property line



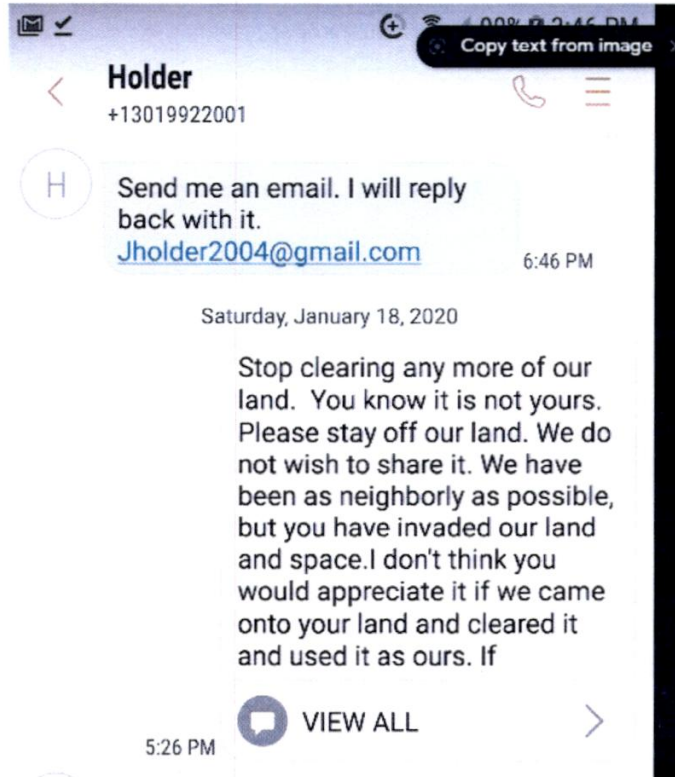
between the Estes and the Holder Property.



- Ben Estes and Mr. Holder discussed whether or not Mr. Holder could clear a bit more land on the South end of the Holder property near the Estes' Property. Mr. Estes, believing that he himself did not own the particular area asked about by Mr. Holder, agreed.
- 1/3/20
 - Justin Holder sends Ben Estes a copy of a survey that Mr. Holder had in his possession clearly showing the property line between the Holder Property and the Estes Property, highlighting the lines as shown in his text message

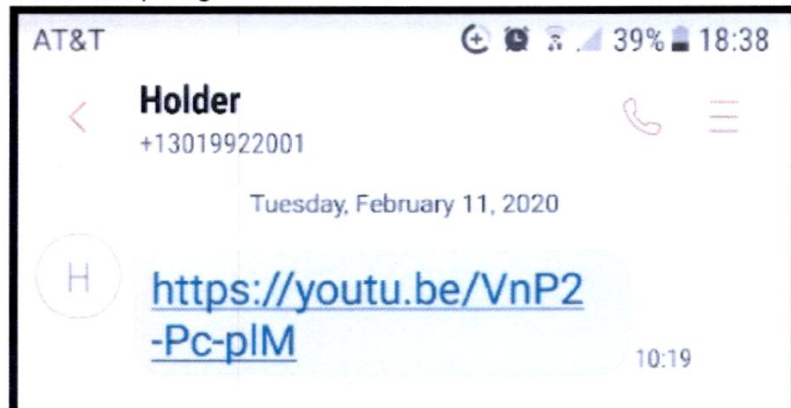


- 1/18/20
 - Ben Estes Sends text message to Justin Holder to stop clearing and trespassing on the Estes Property



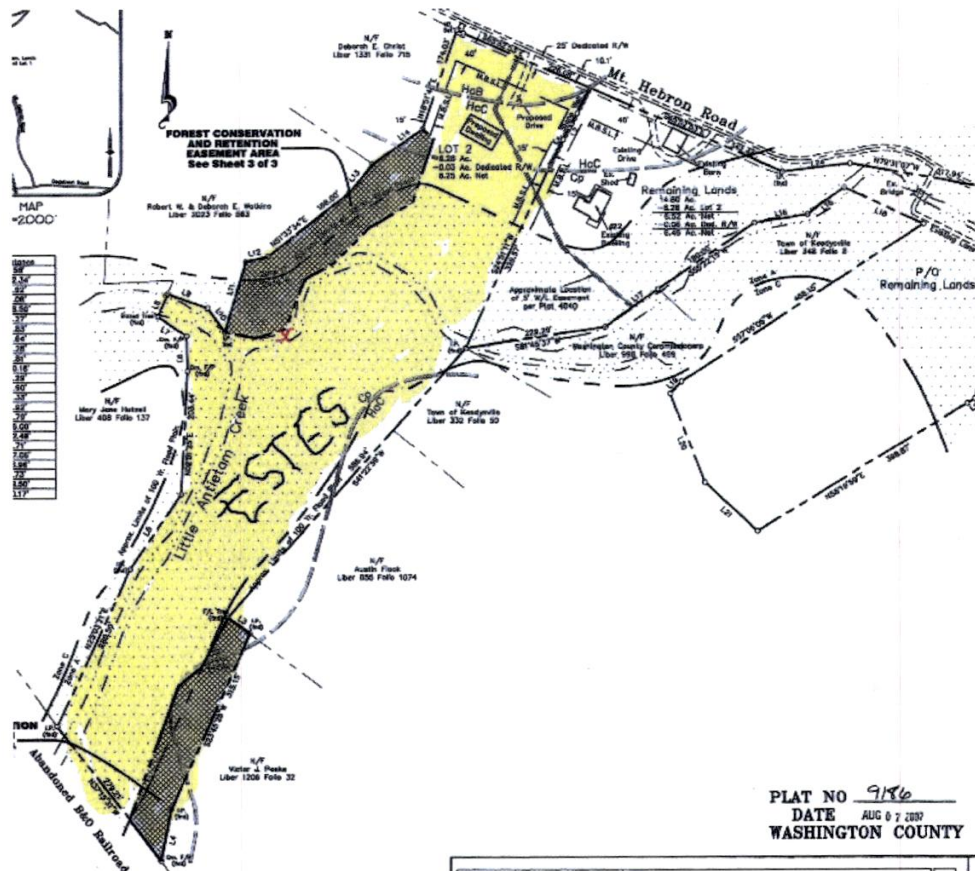
- Mr. Holder acknowledges receipt of Mr. Estes' no trespass directive.
- 1/22/20
 - Mr. Estes files civil suit against Justin Holder for trespass onto the Estes property and damages to the Estes Property.
- 2/11/20

- Mr. Holder sends Ben Estes a text message to a heavy metal song by the band Tool-
called swamp song:



- The words of the song include the following:
 - "my warning meant nothing. You are dancing in quicksand. Why don't you watch where you are wandering? Why don't you watch where you are stumbling? You are wading deep and going in. AND YOU MAY NEVER COME OUT AGAIN."
- Mr. Holder enters the Estes property by walking up a tributary of the Little Antietam creek, videotaping at least part of his trespass. Mr. Holder has shared part of this video and it is attached <https://photos.app.goo.gl/Ft1ERrvDudUdS8fe6>

The area that Mr. Holder is located (shown as the red "x") at the time of the following still shots is here:



Some still shots from Mr. Holder's trespass showing he is on the Estes Property are shown below:



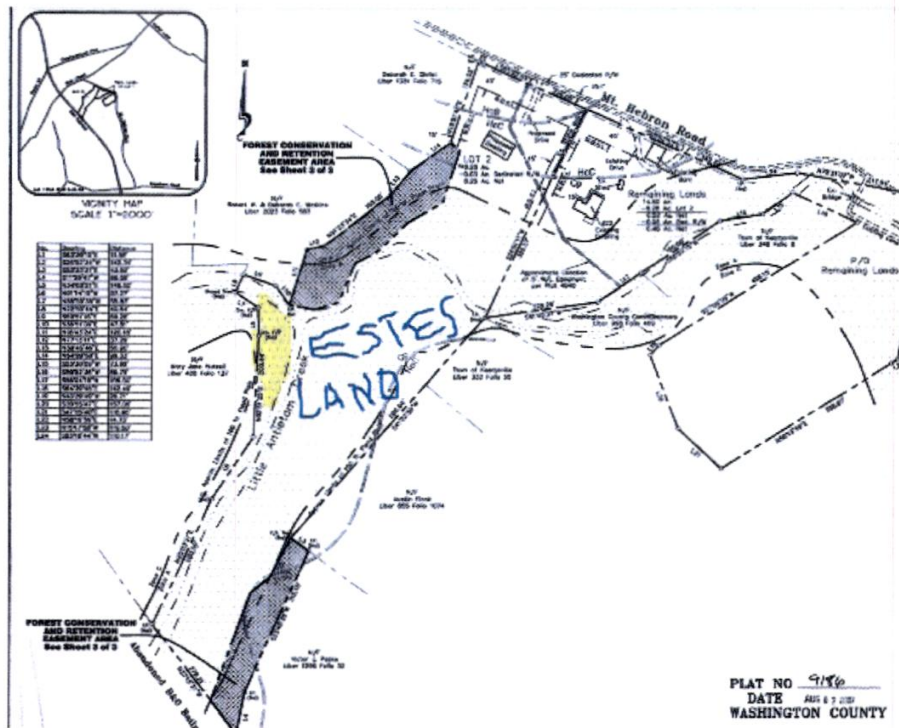








- Mr. Holder sends the MD Department of Natural Resources pictures of himself and of the location of a bridge and water pipe on Mr. Estes property which are still photographs from his video. The video and the still photographs show Mr. Holder clearly on the Estes Property.
- 2/12/20
 - Justin Holder enters the Estes Property and assaults Mr. Estes through threatening behavior
 - Mr. Holder follows Ben Estes as Mr. Estes is walking
 - Mr. Estes calls the Washington County Police shortly after Mr. Holder leaves him alone
 - Ben Estes files for a protective order at the District Court Commissioner's office.
 - The area that Mr. Holder approached and assaulted Mr. Estes is shown, below:



- 2/13/20
 - Mr. Holder, in receipt of Ben Estes protective order, files for a protective order against Mr. Estes.
- 2/14/20
 - Mr. Estes and Mr. Holder agree to dismiss protective orders.
- November 2020
 - Mr. Estes files suit in Washington County Circuit Court against Justin Holder and his wife Deena Holder for trespass and destruction of property/trees/damages.
 - Mr. and Mrs. Holder answer that Mr. Estes does not own the land shown by their own surveys (2).
- Spring 2021
 - Mr. Estes files for quiet title against Mr. and Mrs. Holder and their corporation, Uncle Eddie's Brokedown Palace, LLC.

Other Relevant Exhibits

Exhibit 1: Survey 9186 showing the Estes Property

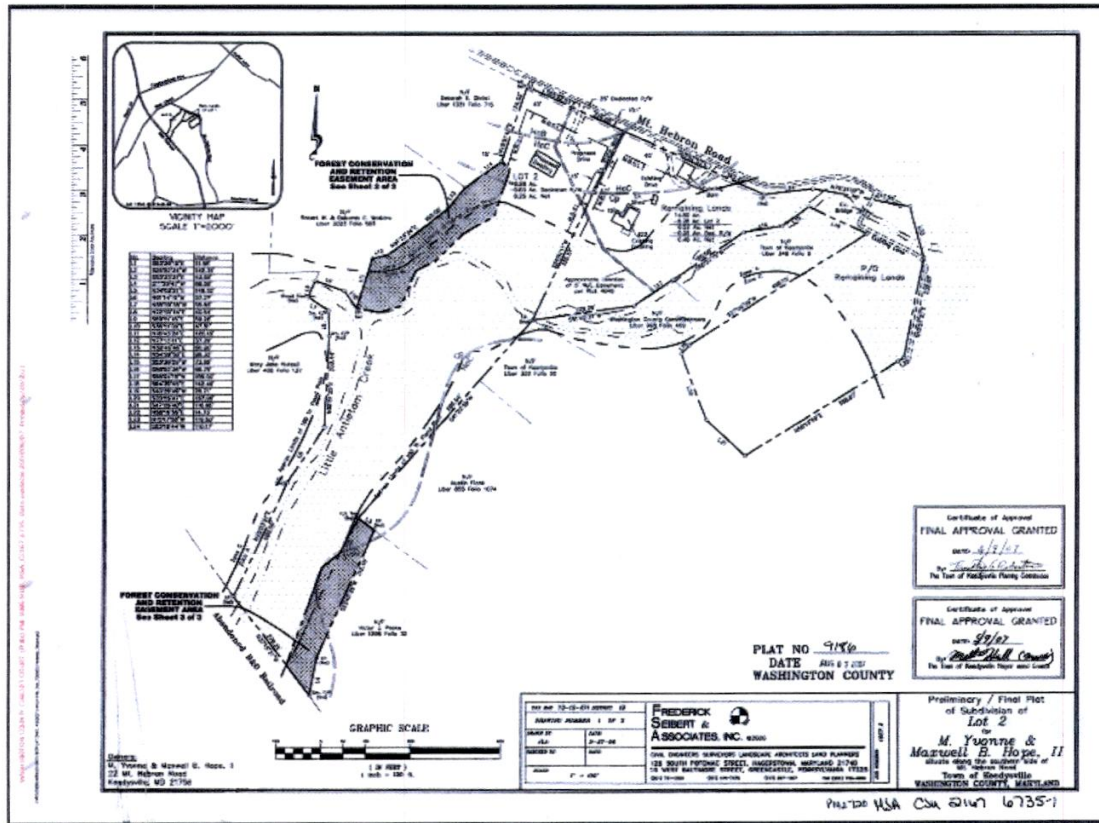


Exhibit 2:

Survey 10955 showing the Holder Property:

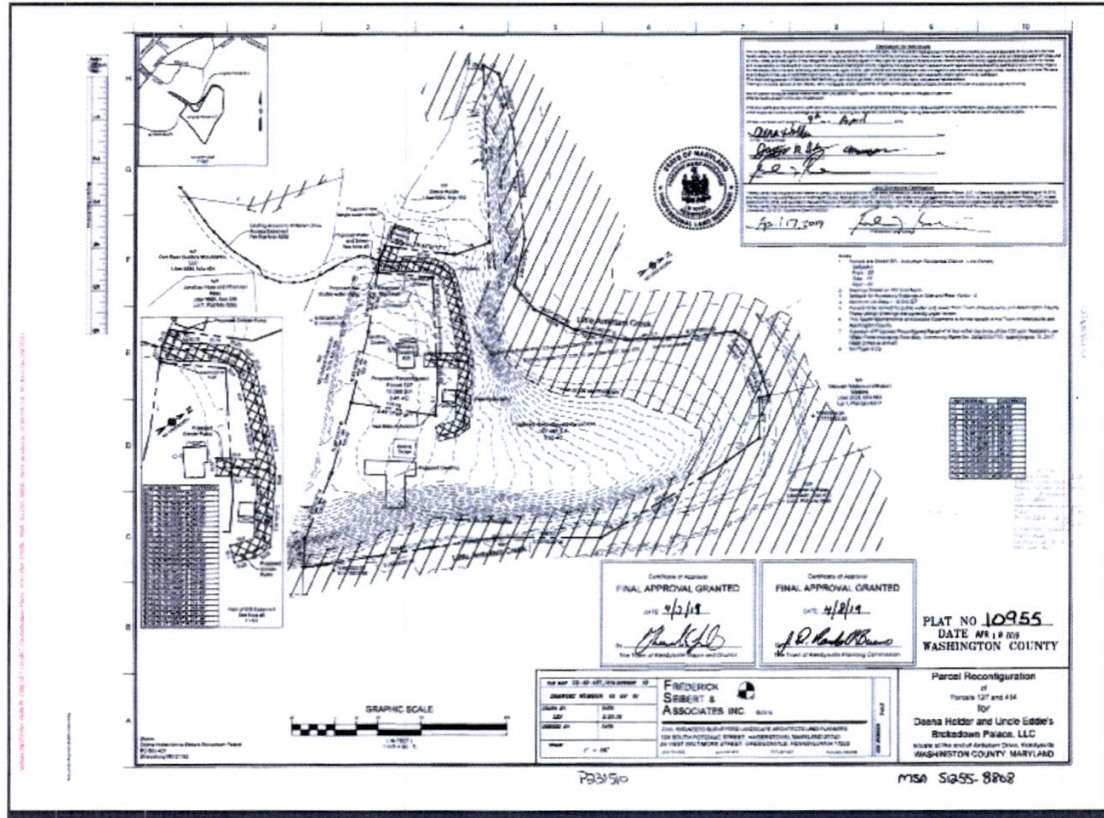


Exhibit 4: No Trespassing Sign Photograph on Jan 19, 2020





Exhibit 5 No trespassing sign shown during Holder trespass on 1/28/20

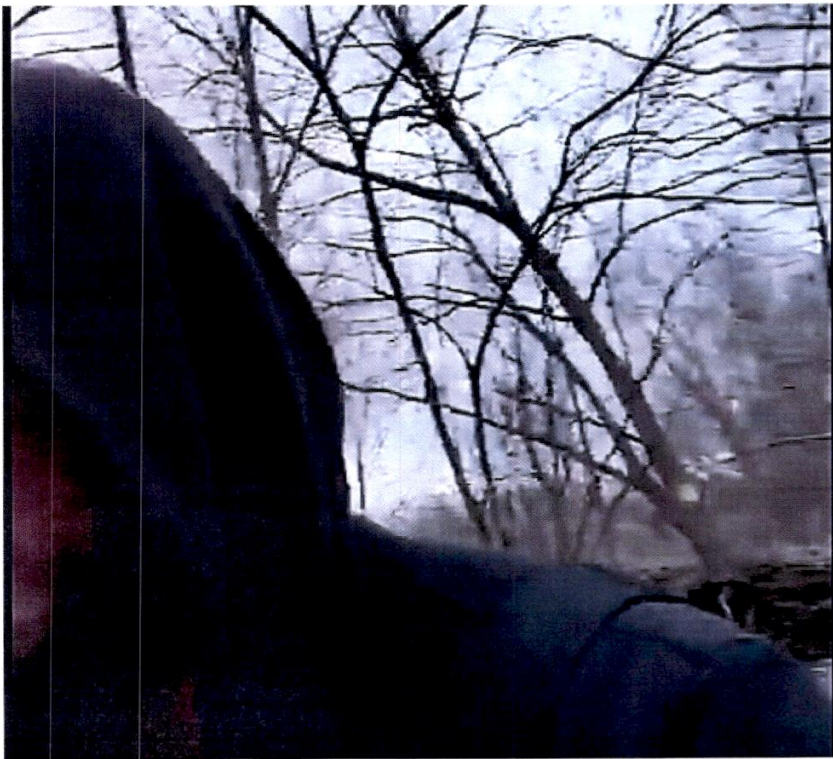


Exhibit 6: The no trespassing sign as it is shown today (still up from before Mr. Holder's trespasses)

